

**From:** [ASCC New Claims](#)  
**To:** [Thomas Burns \(DOC\)](#); [Roni Gean \(DOC\)](#)  
**Cc:** [Kathryn Irby](#)  
**Subject:** CLAIM: Roy A. Hoggard II v. ADC, Claim No. 220385  
**Date:** Monday, May 9, 2022 1:08:00 PM  
**Attachments:** [Roy A. Hoggard II ADC agency ltr .pdf](#)  
[Roy Hoggard Claim.pdf](#)  
[Roy Hoggard Order granting motion for leave to file additional pages.pdf](#)

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Please see attached. Contact Kathryn Irby with any questions.

Thank you,  
Caitlin

**Caitlin McDaniel**

*Administrative Specialist II*

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

[Caitlin.McDaniel@arkansas.gov](mailto:Caitlin.McDaniel@arkansas.gov)

May 9, 2022

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602

*(via email)*

RE: ***Roy A. Hoggard II v. Arkansas Division of Correction***  
**Claim No. 220385**

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Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Roy A. Hoggard II (ADC [REDACTED]), *Claimant* (w/ encl.)

SEP 27 2021

Please print in ink or type

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BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

- Mr.
- Mrs.
- Ms.
- Miss

Roy A. Hoggard II Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces	
Claim No.	_____
Date Filed	_____
	(Month) (Day) (Year)
Amount of Claim \$	_____
Fund	_____

COMPLAINT

Roy A. Hoggard II, the above named Claimant, of \_\_\_\_\_ (Name) \_\_\_\_\_ (Street or R.F.D. & No.) \_\_\_\_\_ (City)

AR 72360 County of \_\_\_\_\_ represented by \_\_\_\_\_ (State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)

of \_\_\_\_\_ (Street and No.) \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_ (Phone No.) \_\_\_\_\_ (Fax No.) says:

State agency involved: Arkansas Department of Corrections (ADC) Amount sought: \$4,000.00

Month, day, year and place of incident or service: April 18, 2021 \_\_\_\_\_

Explanation: 1. On April 18, 2021, The claimant ordered a selection of Non-Nude 4X6 Public Domain Publication Photographs from approved publication companies as per Administrative Directive (AD) 17-17 Publications and ADC Policy and Procedure 16.05.0 Publications Review. (See Exhibits A and B)

2. On or about April 28, 2021, The claimant's orders was pre-approved by Warden G. Lay, an inmate check was drafted for each separate order and the amount was deducted from the claimant's inmate account. (See Exhibit C)

3. On May 8, 2021, and May 22, 2021, Two (2) Publication Photograph Orders arrived at the \_\_\_\_\_ mailroom, in which the Publications, Advertising Brochures, Order Forms and Invoices was photocopied by Ms. Southern, Mailroom Supervisor and/or mailroom personnel. The Publications was destroyed and the photocopies then delivered to the Claimant. (See Exhibits D, E, F and G)

4. On May 10, 2021, The claimant submitted an Inmate Request for Interview addressed to Ms. Southern, Mailroom Supervisor. Ms. Southern responded with a false statement of, "Per Policy" Publication is picture - it general correspondence." which is a violation of both AD 17-17 and Policy and Procedure 16.05.0. (See Exhibits H, A and B)

Continued on additional pages that follow...

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

No; when? \_\_\_\_\_; to whom? \_\_\_\_\_ (Yes or No) (Month) (Day) (Year) (Department)

and that \$ \_\_\_\_\_ was paid thereon: (2) Has any third person or corporation an interest in this claim? \_\_\_\_\_; if so, state name and address (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

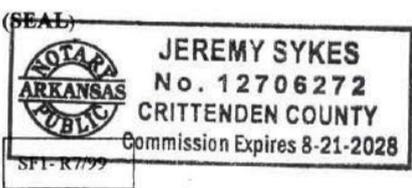
and that the nature thereof is as follows: \_\_\_\_\_; and was acquired on \_\_\_\_\_, in the following manner: \_\_\_\_\_

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Mr. Roy A. Hoggard II (Print Claimant/Representative Name) Roy A. Hoggard II (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Brickys (City) AR (State)

on this 18<sup>th</sup> day of August, 2021 (Date) (Month) (Year)



My Commission Expires: 8 (Month) 21 (Day) 2028 (Year)

TO: Ms. Kathryn Irby, Director

Arkansas  
State Claims Commission

Date: September 22, 2021

SEP 27 2021

From: Mr. Roy A. Hoggard II

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ADC: [REDACTED]

Re: New Claim

Dear Ms. Irby,

Please find enclosed five (5) full sets including the top (first set) being my originals of a new claim to be processed.

Since the exhibits did exceed the page limit by six pages I have also enclosed a Motion to leave to exceed the page limitations.

Please contact me as soon as possible if there is anything incorrect or wrong. Thank you for your time in this matter.

Sincerely  
Roy Hoggard II  
Roy A. Hoggard II  
(ADC) [REDACTED]

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED])

Arkansas  
State Claims Commission

CLAIMANT

v.

No.

SEP 27 2021

ARKANSAS DEPARTMENT OF CORRECTIONS

RECEIVED

RESPONDENT

MOTION FOR LEAVE TO EXCEED THE PAGE LIMITATIONS

Pursuant to Ark. Code Ann § 19-10-208 (F)(2) Claimant moves for an order granting him this Motion for leave to exceed the page limitations, Claimant states;

1. The issues involved in the claim submitted by the Claimant is complex and the Claimant is in need of the extra pages of exhibits to accompany his complaint.
2. In no way does the Claimant wish to waste even a moment of this Courts time, that is why the Claimant is in need for leave to exceed the page limitations so that the Commission is not limited on any knowledge or evidence in and throughout his claim.
3. The Claimant only wishes to present the most accurate and detailed claim with all the Factual exhibits as clear cut proof so the Commission can easily make a decision in each step of this complaint.
4. The Arkansas Department of Corrections has a whole legal department of paid attorneys to completely tear apart, discredit and attempt to destroy any claim submitted by an inmate in the ADC and therefore I need to be able to present my claim

1 of 2

as proper, correct and with all the factual proof so the Commission can make the most concise and easy decision in this claim.

5. In conclusion, may I please point out that my claim only exceeds the page limitation by six (6) pages and per the instructions provided by the State Claims Commission, if a Claimant's complaint exceeds the set amount then the Claimant is to provide four (4) additional copies (sets) in which I have fully complied with.

WHEREFORE, Claimant respectfully prays that the Commission enter judgment granting the Claimant's Motion.

Executed at Marianna, Arkansas on September 22, 2021.

Respectfully Submitted,  
Roy Haggard II  
Roy A. Haggard II  
(ADC [REDACTED])  
[REDACTED]

5. On May 10, 2021, The Claimant submitted an Informal Resolution in an attempt to resolve the issue. Ms. Southern (EOS) again made a completely false statement that violates both AD 17-17 and Policy and Procedure 16.05.0 by stating, "Picture They do not fall under the publication rule c ; Per ADC Policy all Correspondence is to be copied and Destroyed, EOS". (See Exhibits I, A and B)

6. On May 10, 2021, and May 25, 2021, The Claimant submitted Formal Grievances, to which as can be seen on the Warden's Decisions along with the statements from Ms. Southern, even though the bodies of both grievances are identical with the only exception of the names of the approved publication companies, each response is a completely different type of false incorrect statement which violates AD 17-17 and Policy and Procedure 16.05.0. These multiple false statements are the common practice of all ADC staff members to deflect the wrongdoings and mislead the fact of violation of Administrative Directives and Policies and Procedures. Such as Ms. Southern and/or other mailroom personnel. (See Exhibits J, K, L, M, A and B)

7. On May 26, 2021, Two (2) separate pre-approved orders of Five (5) Non-Nude 4X6 Public Domain Publication Photographs each arrived at the EARV mailroom. Ms. Southern delivered both orders to the Claimant in there original full color 4X6 state. Therefore, how can Ms. Southern violate AD's and Policies and Procedures one day and then follow the AD's and Policies and Procedures another day? Just like how can Publication Photographs be general correspondence and a threat to the safety, security of the unit one day and then the very same Publication Photographs not be the next. This is Not how or why AD's or Policies and Procedures are set in place.

WHEREFORE, the Claimant Hoggard respectfully prays that this court enter judgment granting the Claimant:

8. A declaration that the acts and omissions described herein violated the ADC Policy and Procedure under the Administrative Directives.

9. Compensatory Damages in the amount of \$2,000.00 against the Respondent.

10. Punitive Damages in the amount of \$2,000.00 against the Respondent.

11. Claimant Hoggard also seeks a hearing on all issues outlined and stated throughout this claim.

12. Claimant Hoggard also seeks recovery of any court costs that may ensue in this claim, and,

13. Any and all additional relief this court deems just, proper, and equitable to which the claimant may be entitled.

Dated: September 22, 2021

Respectfully Submitted,

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Marianna, Arkansas on September 22, 2021.

Roy Hoggard II  
Mr. Roy A. Hoggard II

Exhibit A

Arkansas  
State Claims Commission

SEP 27 2021



Arkansas Department of Correction

RECEIVED  
PO Box 8707  
Pine Bluff, AR 71611-8707  
Phone: 870-267-6200  
Fax: 870-267-6244  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 17-17

**SUPERSEDES:** 14-22

**APPLICABILITY:** Departmental Staff and all Inmates

**REFERENCE:** AR-864 - Publications

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Wendy Kelley

**EFFECTIVE DATE:** 06/30/2017

**I. POLICY:**

Inmates may receive publications only from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with rehabilitative goals.

**II. PURPOSE:**

This Administrative Directive establishes the process by which the Arkansas Department of Correction determines which publications may be received by the inmate population.

**III. DEFINITIONS:**

A. Publication: A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text. The term publication does not include a personal letter.

B. Commercial Outlet: A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

Exhibit B

	ARKANSAS DEPARTMENT OF CORRECTION EAST ARKANSAS REGIONAL UNIT POLICY AND PROCEDURES		NUMBER: 16.05.0	PAGE NUMBER 1 of 3
			SUPERSEDES:	ISSUING EMPLOYEE:
			DATE: 06-15-05	WARDEN
CHAPTER: Communication, Mail, and Visitation			SUBJECT: Publications Review	
Revised on These Dates	02-10-12			
Annual Review on These Dates	06-08-11	06-11-12	06-06-13	06-17-14
				06-17-15

I. **AUTHORITY:** The Warden's authority to issue this document is contained in Administrative Regulation 001. This policy shall supplement all related Administrative Regulations and Departmental policies.

II. **PURPOSE:** To establish the process by which an inmate may receive publications

- III. **DEFINITIONS:** As used in this document, the following definitions shall apply:
- A. **Publications:** Books, magazines, catalogs, advertising, brochures, religious tracts, newspapers or the like
  - B. **Commercial Outlet:** Publisher, bookstore, educational or vocational institute and the like.
  - C. **Charitable Outlet:** A religious group or an incorporated nonprofit organization established to promote literacy or to provide literature for indigent inmates.
  - D. **Nudity:** A depiction in which genitalia, buttocks or female breasts are exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
  - E. **Sexually Explicit:** A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation or material which promotes itself based upon such depictions or descriptions on a routine or regular basis or in individual one-time issues.

IV. **POLICY:** All publications are subject to inspection. Inmates may receive publications from recognized commercial, religious, or charitable outlets.

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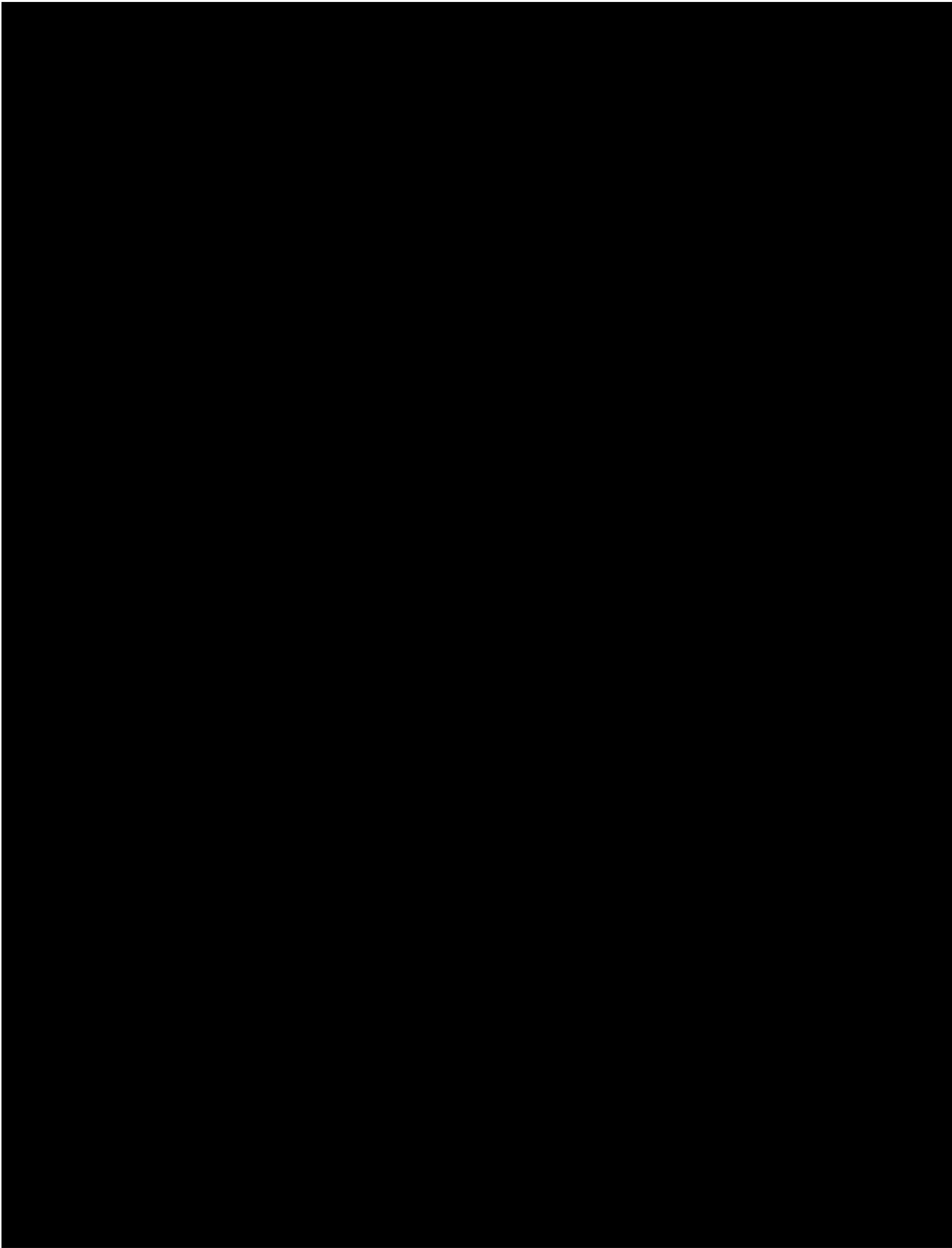


Exhibit D

Arkansas  
State Claims Commission

SEP 27 2021

Shipped 5/5/2021

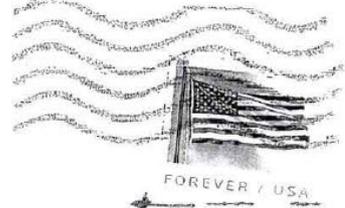
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CNA Entertainment, LLC  
PO Box 185  
Hitchcock, Texas 77563  
www.CNAEntertainment.com

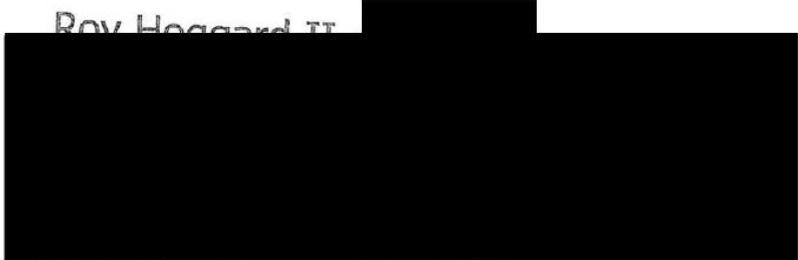
Xa + a

NORTH HOUSTON TX 773

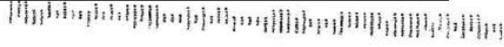
MAY 2021 PM 1 2



Roy Haggard II



72360-057070



7 of 16

PERMANENT LETTERS  
P.O. BOX 5765  
BALTIMORE, MD 21283

X-12-12

BALTIMORE MD 212  
MAY 2021 PM 7

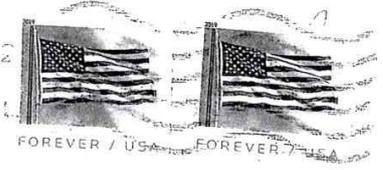


Exhibit E

Roy Hoggard



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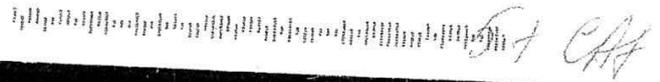
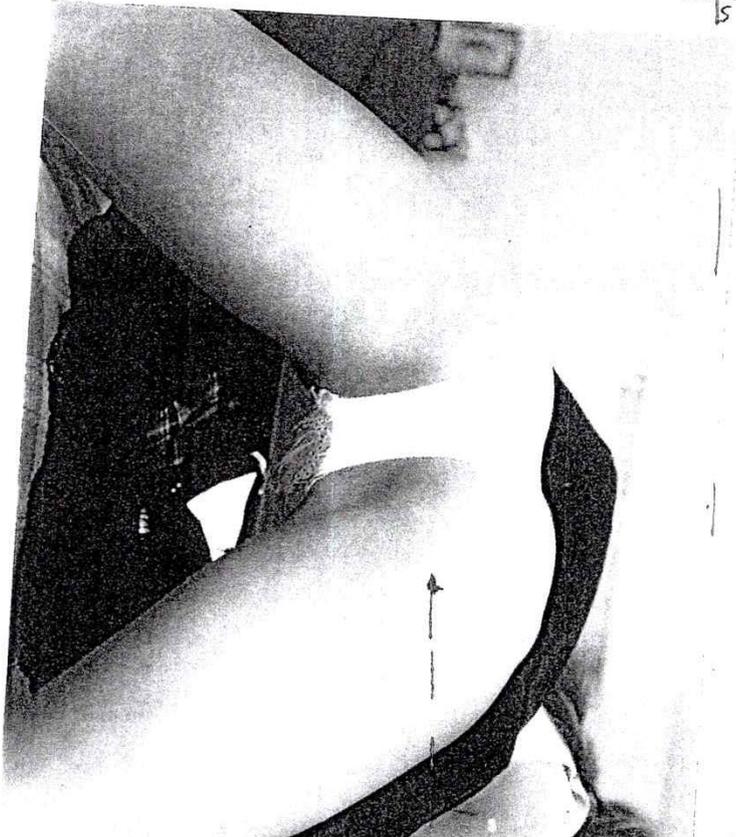
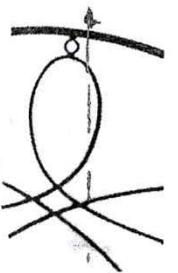
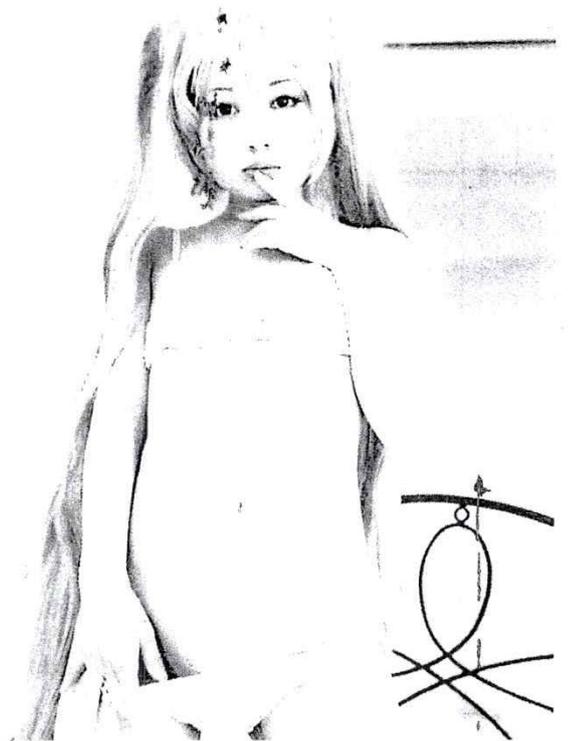


Exhibit F



5

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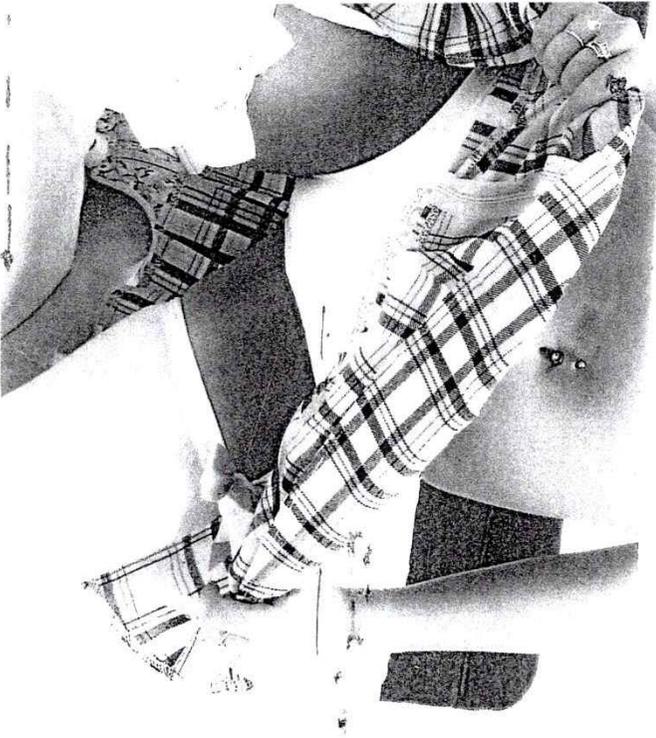
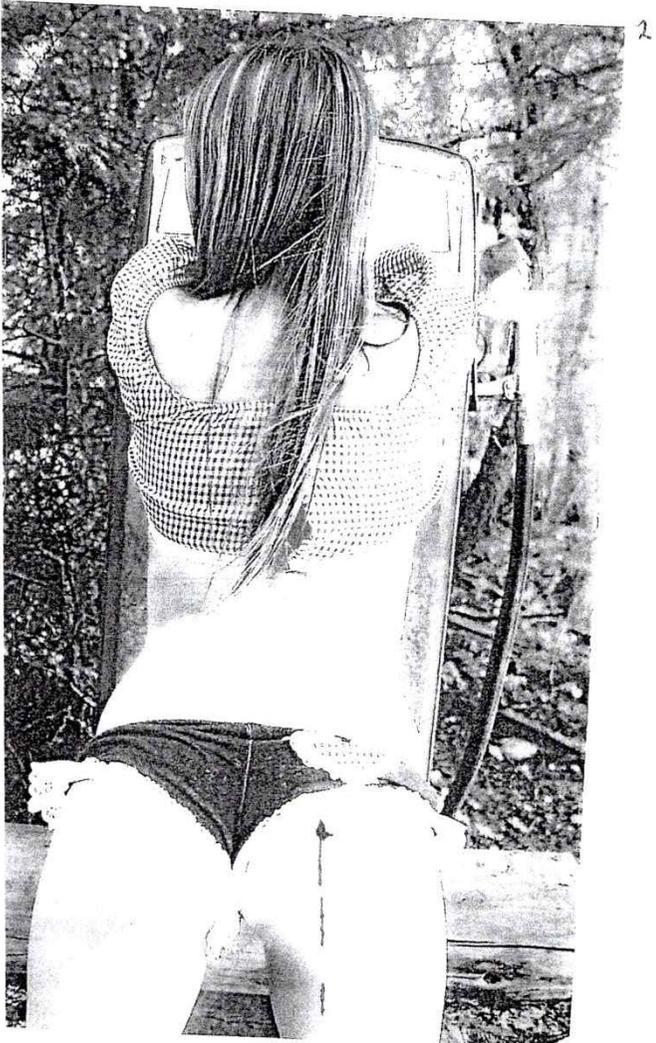


Exhibit G



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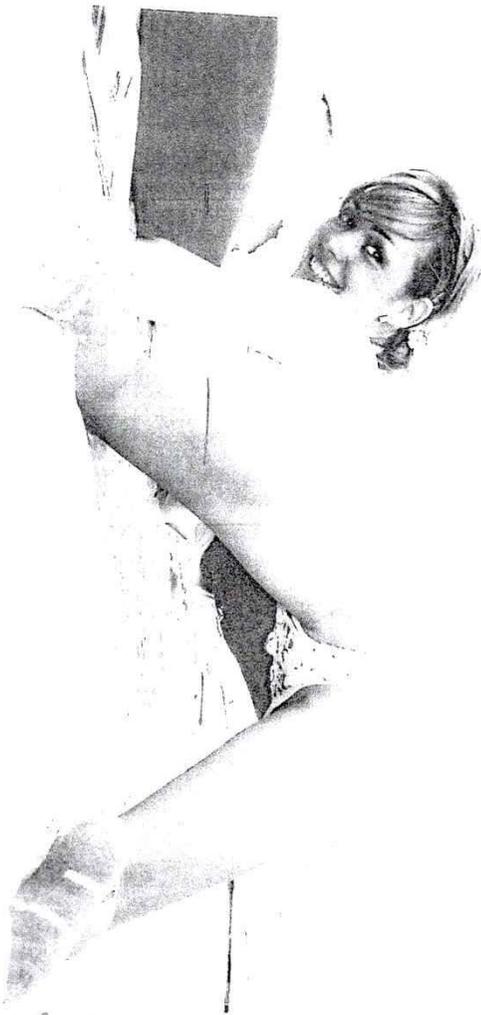


Exhibit H

### Inmate Request Form

This form is to be used by inmates to contact staff with request on issues they may have. You should allow five working days to receive a response to your request. This is the East Arkansas Regional Unit in house form.

Name: <u>Hoggard, Roy II</u>	ADC Number: <span style="background-color: black; color: black;">[REDACTED]</span>	Barracks: <u>Max 212</u>	Date: <u>5/10/2021</u>
------------------------------	--	--------------------------	------------------------

Staff Directed to: <u>Ms. Southern</u>	Office: <u>Mail Room Supervisor</u>
--	-------------------------------------

My request is directed to the following area: (check one)

- |  |   |  |  |
|--|---|--|--|
| Chaplain <input type="checkbox"/>      | Classification <input type="checkbox"/> | Commissary <input type="checkbox"/>                  | Assistant/Deputy Warden <input type="checkbox"/> |
| Issuance <input type="checkbox"/>      | Food Service <input type="checkbox"/>   | Hobby Craft <input type="checkbox"/>                 | General Library <input type="checkbox"/>         |
| Law Library <input type="checkbox"/>   | Laundry <input type="checkbox"/>        | <u>Mail Room</u> <input checked="" type="checkbox"/> | Medical <input type="checkbox"/>                 |
| Mental Health <input type="checkbox"/> | Parole <input type="checkbox"/>         | Property <input type="checkbox"/>                    | Records <input type="checkbox"/>                 |
| Security <input type="checkbox"/>      | Visitation <input type="checkbox"/>     | Warden <input type="checkbox"/>                      | Other: _____ <input type="checkbox"/>            |

Give a detailed reason for your request: Weekend security in the Mail Room "Violated" AD 17-17 Publications by Photo Copying my 2 seperate Photograph orders, along with voiding the order form by photocopying it, along with all of my non nude, Non Personal Photographs. Per AD 17-17 my approved non nude 4X6 purchased photo's are to be delivered to me in there full color original state not photocopied, I am submitting a grievance if my photo's are not delivered to me or the money placed back on my books.

Have you talked to any staff about your request? Yes  No

If yes, to whom did you speak with and when? Ms. Southern Several Dates

Roy Hoggard II  
Inmate Signature / Date 5/10/2021

Staff Responding:	Date:
-------------------	-------

Response:

per my Publication is picture - if general correspondence

I am referring this to: \_\_\_\_\_

Cc: \_\_\_\_\_

L. Suter 5/11/21  
Staff Signature / Date

Exhibit I

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [Redacted]

Name Hoggard, Roy Adrin II

ADC# [Redacted] Brks # Max 212 Job Assignment Bks Porter

FOR OFFICE USE ONLY	
GRV. #	_____
Date Received:	_____
GRV. Code #:	_____

5/10/21 (Date) STEP ONE: Informal Resolution

\_\_\_\_\_ (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)  
If the issue was not resolved during Step One, state why: \_\_\_\_\_

\_\_\_\_\_, (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: \_\_\_\_\_

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how you were affected. (Please Print): On 5/8/2021, the Security Personnel working the mailroom "Violated" AD17-17 Publication Policy & Procedure by Photocopying two (2) of my Photograph Orders from the approved Publisher CNA Entertainment, LLC. On 4/28/2021, Warden G. Lay approved my inmate withdrawal form ordering the non-nude, Non-Personal Photographs from the Publisher for the amount of \$9.50 Per AD17-17. Therefore, I either want my approved purchased photographs delivered to me in there original color 4X6 states or have the amount of \$9.50 (Nine Dollars and 50/100) placed back on my inmate account for the mailroom personnel destroying my purchased photo order that arrived on 5/8/2021 by Violating AD17-17 and photocopied my Publisher Supplied Photographs.

Roy Hoggard  
Inmate Signature

5/10/2021  
Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on 5-10-2021 (date), and determined to be **Step One** and/or an Emergency Grievance \_\_\_\_\_ (Yes or No). This form was forwarded to medical or mental health? \_\_\_\_\_ (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_

Sgt. K. Jackson  
PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Sgt. Keith's Jank  
Staff Signature

5-10-2021  
Date Received

Describe action taken to resolve complaint, including **dates**: Picture They do not call under the publication rule. Per ADC Policy all Correspondence is to be opened and destroyed EOS

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on \_\_\_\_\_ (date), pursuant to **Step Two**. Is it an Emergency? \_\_\_\_\_ (Yes or No).

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRIBUTION: YELLOW & PINK** - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two. 12 of 16

Exhibit J

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [redacted]

Name Hoggard, Roy Adrin II

ADC# [redacted] Brks # Max 212 Job Assignment Bks Porter

FOR OFFICE USE ONLY	
GRV. #	<u>21-01056</u>
Date Received:	<u>5-17-21</u>
GRV. Code #:	<u>307</u>

5/10/21 (Date) STEP ONE: Informal Resolution

5/13/21 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: It has been 3 business days with no response to step 1 and I have not received my photo orders.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: \_\_\_\_\_

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

Ms. Southern, Mailroom Supervisor is violating the Publication AD 17-17, by photocopying my Pre-Approved Photograph Orders of Non-Nude Public Domain Photos from Publication Companies along with the invoices and order forms shipped with my orders. She is claiming that photos "Images" are "General Correspondence" when AD 17-17 Page 1, sec. III Definitions, Sub Sec. A Publication states, "A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or Any Type of Image" or text. The term Publication does not include a personal letter." Ms. Southern is in clear violation of AD Policy and Procedure. Therefore, my Pre-Approved Non-Nude Public Domain Purchased Photographs need to be delivered to me in their original Color 4X6 state or the amount of \$9.50 (Nine Dollars and 50¢) be placed back on my inmate account for my Pre-Approved Non-Nude Public Domain Photograph Orders from the Publisher CNA Entertainment, LLC out of TX being destroyed when they arrived in the mailroom. Plus Ms. Southern and all mailroom personnel need to be informed Not to Photocopy Photographs ordered from Publisher Companies immediately so no more paid orders are destroyed by the mailroom personnel.

Inmate Signature Roy Hoggard II Date 5/10/21

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on 5-10-2021 (date), and determined to be **Step One** and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? \_\_\_\_\_ (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_

PRINT STAFF NAME (PROBLEM SOLVER) Sgt. Jackson ID Number \_\_\_\_\_ Staff Signature Sgt. Jackson Date Received 5-10-2021

Describe action taken to resolve complaint, including dates: \_\_\_\_\_

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Staff Signature & Date Returned \_\_\_\_\_ Inmate Signature \_\_\_\_\_ ADMINISTRATION BUILDING

This form was received on \_\_\_\_\_ (date), pursuant to **Step Two**. Is it an Emergency? \_\_\_\_\_ (Yes or No).

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRIBUTION: YELLOW & PINK** - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

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Exhibit K

IGTT430  
3GD

Attachment VI

INMATE NAME: Hoggard, Roy A. II

ADC #



GRIEVANCE#:

21-01056

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

On 5/10/2021, you stated the following complaint: Ms. Southern mailroom supervisor is violating the publication AD 17-17 by photo copying my pre-approved photograph orders of non-nudes public domain photos from publication companies along with the invoices and order forms shipped with my orders. She is claiming that photos " images are general correspondence" when Ad 17-17 page I sec III definitions sub sec a pulieation states a book magazine, catalog advertiging brochure religious tract newspaper periodical newsletter or any type of image or text the term publication does not include a personal letter. Ms. Southern is in clear violation of AD policy and procedure. Therefore my pre-approved non-nude public domain purchased photographs need to be delivered to me in there original color 4x6 state or the amount of 9.50 (nine dollars and 50/100) he placed back on my inmate account for my preapproved non-nude public domain photograph order from the publisher CNA enterainment LLC out of tv being destroyed when they arrived in the mailroom Plus Ms. Southern and all mailroom personnel need to be informed not to photocopy photographs ordered from publisher companied immediately so no more paid orders are destroyed by the mailroom personnel.

The Warden responded to your grievance on 6/10/2021, by stating the following: Per Policy AD 20-04, Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals will be rejected. Ms. Southern, Mailroom Supervisor, stated that your photos do not follow the publication policy. This should address your concern.

Your appeal was received on 6/17/2021. After review of your appeal and supporting documentation, I concur with the Warden's response.

Appeal denied

Director

Date

14 of 16

Exhibit L

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [Redacted]

Name Heppard, Roy Adrin II

ADC# [Redacted] Brks # Max 212 Job Assignment Bks Porter

FOR [Redacted] USE ONLY  
GRV. # 21-01151  
Date Received: 6/1/21  
GRV. Code #: 306

5/25/21 (Date) STEP ONE: Informal Resolution

5/28/21 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: It has been 3 business days

without response to step 1 or my photos delivered to me or my money returned.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: \_\_\_\_\_

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print):

Ms Southern, Mailroom Supervisor is still violating the Publication AD 17-17, by photocopying my Pre-Approved Photograph Orders of Non-Nude Public Domain Photos from Publication Companies along with the invoices and order forms shipped with my orders. She is claiming that photos "Images" are "General Correspondence" when AD 17-17 Page 1, sec. III Definitions, sub sec. A Publication states: "A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or Any Type of Image or text. The term Publication does not include a personal letter." Ms. Southern is in clear violation of AD Policy and Procedure. Therefore, my Pre-Approved Non-Nude Public Domain Purchased Photographs, need to be delivered to me in their original color 4x6 state or the amount of \$6.00 (Six Dollars and 00/100) be placed back on my inmate account for my Pre-Approved Non-Nude Public Domain Photograph Order from the Publisher Branlette's Beauties out of MD being destroyed when they arrived in the mailroom. Plus Ms. Southern and all mailroom personnel need to be informed Not to Photocopy Photographs ordered from Publisher Companies immediately so no more paid orders are destroyed by the mailroom personnel.

Roy Heppard  
Inmate Signature

5/25/21  
Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on 5-25-21 (date), and determined to be **Step One** and/or an Emergency Grievance

(Yes or No). This form was forwarded to medical or mental health? \_\_\_\_\_ (Yes or No). If yes, name

of the person in that department receiving this form: Sgt Woods Date 5-25-21

[Redacted]  
PRINT STAFF NAME (PROBLEM SOLVER)

[Redacted] Staff Signature **RECEIVED** Date Received

Describe action taken to resolve complaint, including dates: \_\_\_\_\_

JUL 08 2021

Staff Signature & Date Returned \_\_\_\_\_

**INMATE GRIEVANCES SUPERVISOR**  
**ADMINISTRATION BUILDING**  
Inmate Signature & Date Received \_\_\_\_\_

This form was received on \_\_\_\_\_ (date), pursuant to **Step Two**. Is it an Emergency? \_\_\_\_\_ (Yes or No).

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRIBUTION: YELLOW & PINK** - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

15 of 16

Exhibit M

IGTT430  
3GD

Attachment VI

INMATE NAME: Hoggard, Roy A. II

ADC #: [REDACTED]

GRIEVANCE# [REDACTED] 1-01151

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

On 5/25/2021, you stated the following complaint: Ms. Southern, Mailroom Supervisor is still violating the Publication AD 17-17, by photocopying my Pre-approval or photograph orders of on-Nude Public domain photos from Publication companies along with the invoices and order forms shipped with my orders/ She is claiming that photos all images are "General Correspondence" when AD 17-17 page I see 111. Definitions, sub see A publication states " A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical newsletter, or any type of image or text. The term publication does not include a personal letter." Ms. Southern is in clear violation of AD Policy and procedure. Therefore, my Pre-approved Non-Nude Public Domain Purchased Photograph need to be delivered to me in there originals color 4X6 state or the amount of \$6.00 ( six dollars and no/100) to be placed back on my inmate account for Pre-Approved Non-Nude Public Domain Photograph Order from the Publisher Branlettes Beauties out of MD being destroyed when they arrived in the mailroom. Plus Ms.Southern and all mailroom personnel need to be informed not to photocopy photograph ordered form the Publisher companies immediately so no paid order are destroyed by the mailroom personnel.

The Warden responded to your grievance on 6/25/2021, by stating the following: Ms. Southern , Mailroom Supervisor, states that all photos from any brochures will be copy. The photos does not fall under the publication rule. Therefore, I find your grievance without merit.

Your appeal was received on 7/6/2021. After review of your appeal and supporting documentation, I Concur with the Warden's response of no merit.

Appeal denied

[Signature box]

Director

Date

7/16/21

16 of 16

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC ██████)

CLAIMANT

V.

CLAIM NO. 220385

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

**ORDER**

Now before the Arkansas State Claims Commission (the "Claims Commission") is a motion of Roy A. Hoggard II (the "Claimant") for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(f)(1). Upon review of the complaint and supporting documentation, the Claims Commission hereby GRANTS Claimant's motion for leave and will accept the complaint and supporting documentation previously received. However, this order does not constitute any determination as to the validity of Claimant's claim.

IT IS SO ORDERED.




---

 ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird  
 Dexter Booth  
 Henry Kinslow, Co-Chair  
 Paul Morris, Co-Chair  
 Sylvester Smith

DATE: May 9, 2022**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Deborah Williams \(DOC\)](#); [Roni Gean \(DOC\)](#)  
**Subject:** Roy Hoggard v ADC 220385  
**Date:** Tuesday, May 10, 2022 10:18:33 AM  
**Attachments:** [1643\\_001.pdf](#)

---

Answer

Thomas Burns  
General Counsel  
Arkansas Department of Corrections  
Division of Correction  
6814 Princeton Pike  
Pine Bluff Arkansas 71602  
Phone: (870) 267-6845  
Fax: (870) 267-6373  
Cell: (870) 515-0918  
[thomas.burns@arkansas.gov](mailto:thomas.burns@arkansas.gov)

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD ( [REDACTED] )

CLAIMANT

v.

CLAIM NO. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

ANSWER TO COMPLAINT

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.

2. The applicable account information required by the Commission is:

- a. Agency number: 0480
- b. Cost Center: HCA 0100
- c. Internal Order: 340301
- d. Fund Center: 509

WHEREFORE, for the reasons cited above, the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing or, in the alternative, that the matter be held in abeyance until completion of the investigation by Internal Affairs.

Respectfully submitted,



Thomas Burns (02006)  
ADC Legal Division  
6814 Princeton Pike  
Pine Bluff, AR 71602-9411  
(870) 267-6845 telephone  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 10<sup>th</sup> day of May 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Roy Hoggard [REDACTED]

[REDACTED]

  
\_\_\_\_\_  
Thomas Burns

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Roni Gean \(DOC\)](#)  
**Subject:** Roy Hoggard v ADC 200385  
**Date:** Tuesday, May 31, 2022 2:21:59 PM  
**Attachments:** [2156\\_001.pdf](#)

---

MTD

Thomas Burns  
General Counsel  
Arkansas Department of Corrections  
Division of Correction  
6814 Princeton Pike  
Pine Bluff Arkansas 71602  
Phone: (870) 267-6845  
Fax: (870) 267-6373  
Cell: (870) 515-0918  
[thomas.burns@arkansas.gov](mailto:thomas.burns@arkansas.gov)

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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROT HOGGARD (ADC [REDACTED])

CLAIMANT

v

NO. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan, 2011 Ark. 94*. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." *Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014)*. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank, 339 F.3d 764 (8<sup>th</sup> Cir. 2003)*. A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal 556 U.S. 662 (2009)*. Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-

accusations” are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

4. When a trial court is presented with extraneous materials outside of the pleadings and does not exclude those materials, a motion to dismiss for failure to state facts upon which relief can be granted shall be treated as one for summary judgment. *Norris v Davis, 2014 Ark. App. 632 (2014)*

5. The inmate seeks the sum of \$2000.00 for injunctive relief, destruction of inappropriate photos, and fees. Although inmate seeks an award of damages (\$2000.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must be an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

6. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Even taking the inmate’s allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

7. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d*

349, 355 (citing *Elder v. Mark Ford & Assocs.*, 103 Ark. App. 302, 288 S.W.3d 702 (2008)). The Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793 (ASCC 2019)*.

8. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. See *Martin v Sargent*, 780 F.2d 1334, 1337 (8<sup>th</sup> Cir. 1985).

9. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss*, 2010 Ark. 150.

10. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* “Nor does a complaint suffice if it ‘tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly*, 550 U.S. at 556. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id.* at 561. Rather, the facts set forth in the

complaint must be sufficient to nudge the claims across the line from conceivable to plausible. *Id. at 570*. “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” *Iqbal, 556 U.S. at 679 (quoting Fed.R.Civ.P. 8(a)(2))*.

11. The Plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it” stops short of the line between possibility a plausibility of entitlement to relief” *Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)*

12. The inmate is currently housed at the [REDACTED] of the ADC. He is serving a 35-year sentence on a conviction of rape and other crimes.

13. The inmate claims that the ADC has violated policy and wrongfully destroyed his photographs.

14. The inmate states in his complaint that the ADC destroyed originals and only gave him photocopies.

15. “The pursuant to AD 2021-01 all correspondence will be copied and the original destroyed immediately. *See attached Ex A*

16. The photos that the inmate complains about are considered publications pursuant to AD 2020-04 *See attached Ex B* the inmate claims AD 2017-17 but that was replaced by 2020-04.

17. Actually how the inmate got the photos he has attached to the complaint is unknown but are contraband as they sexually explicit material. It was reported to security and should have been confiscated by now.

18. If the inmate believed the photos were ok then his avenue was to appeal that denial to the publications committee within 10 days of the rejection. *Id.*

19. As to any materials that if provided to inmate, would pose a risk to the safety of employees, inmates, and the public. Conflict and violence in the prison system often arises when one inmate learns of alleged sexually explicit materials by another inmate. Releasing such materials to an inmate could pose a significant safety and security risk to those inmates, staff, or inmate.

20. The inmate grieved this matter and after two levels of review was found without merit. The policy was explained to him in the responses. One grievance is for violation of AD 2020-04 and the other violated AD 2021-01.

21. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

22. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

23. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,

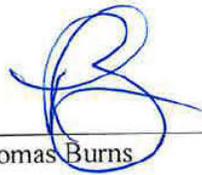


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thomas.burns@arkansas.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of the above pleading has been served this 31<sup>st</sup> day of May 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([REDACTED])  
[REDACTED]

  
Thomas Burns



**ARKANSAS DEPARTMENT OF CORRECTIONS**  
 Division of Correction - Director's Office

6814 Princeton Pike  
 Pine Bluff, Arkansas 71602  
 Phone: (870) 267-6200 | Fax: (870) 267-6244

**ADMINISTRATIVE DIRECTIVE**

**SUBJECT: Inmate Correspondence**

**NUMBER: 2021-01**

**SUPERSEDE: 18-37**

**APPLICABILITY: All Staff and Inmates**

**PAGE: 1 of 5**

**REFERENCE: AR 860 Inmate Correspondence; AR 401 Searches for and Control of Contraband; AR 841 Inmate Property Control; AR 825 Inmate Name Change for Religious Purposes; AD Inmate Name Changes; AD Inmate Property Control ACA Standards; and A.C.A. 12-12-312**

**APPROVED: Original signed by Director Dexter Payne EFFECTIVE DATE: 3/29/2021**

**I. POLICY:**

It shall be the policy of the Arkansas Division of Correction (ADC) to permit inmates to correspond with family, friends, officials, and other significant community contacts with a minimum of interference consistent with the legitimate security needs of the facility; however, the increasing use of illegal drugs has led to the need to limit incoming paper correspondence.

**II. PURPOSE:**

It is the ADC's policy to open all mail in accordance with the procedures outlined in Administrative Rule (AR) 860, Inmate Correspondence. The rule covers Privileged, General, and Interstate/Inter-Unit correspondence. Since opened mail will not be returned to the sender by the Postal Service without additional postage, the inmate shall be responsible for the cost.

**III. DEFINITIONS:**

- A. Inspections. Mail or hobby-craft packages will be opened to determine if any contraband items are contained therein and to remove any such contraband items.
- B. General Correspondence. Correspondence mailed to the inmate, other than privileged correspondence, will be limited to three (3) pages which will be copied (black and white photocopy) along with the envelope so that two (2) sheets of paper, front and back, shall be provided for each item of general correspondence an inmate receives. Originals will be shredded after the copy has been made.
- C. Legal/Privileged Correspondence. Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities.
  - 1) Officers of Federal, State, and Local Courts;
  - 2) Any Federal or State Official or Agency;
  - 3) Any Administrator of the ADC;

[WWW.DOC.ARKANSAS.GOV](http://WWW.DOC.ARKANSAS.GOV)

Ex A

- 4) The Parole Board or its staff;
  - 5) The Board of Corrections or its staff;
  - 6) The Inmate's Attorney(s); and
  - 7) Any member of the News Media.
- D. Contraband. Any item that is not permitted under the usual rules of the unit/center including general correspondence that exceeds three pages.
- E. Rejection. Any item of correspondence containing any contraband will be rejected. Any item of general correspondence exceeding the limitations set out in Section IV. A. below will be rejected. In addition, any material which the Warden/Center Supervisor or designee reasonably determines will present a clear and present danger to institutional security will be rejected.

#### IV. PROCEDURES

##### A. Inmate Correspondence Constituting or Containing Contraband

1. All mail is opened in accordance with AR 860. Mail containing contraband or the contents of which exceeds an envelope with writing on one side and three sheets of 8 ½ x 11-inch (or smaller) size paper with writing on one side will be returned to the sender and the inmate to whom the correspondence was addressed and/or was to receive the contraband will be required to pay for the return postage or agree to the destruction of the mail and contraband. Note that individual photographs will be considered one sheet of paper, and nothing larger than 8 ½ x 11 inch will be copied. No color photocopies will be made.
2. Photos received from the crime lab that contain the following information to an inmate in the custody of ADC shall be considered contraband per A.C.A. § 12-12-312:
  - a. Depicts a crime scene;
  - b. Depicts the victim of a crime; or
  - c. Was taken in conjunction with an autopsy.
3. The originals of any incoming general correspondence copied and delivered to the inmate will be shredded immediately.
4. Inmates are encouraged to communicate with those persons with whom they correspond to make them aware of the items which they can receive legally and request that contraband items not be sent.
5. Inmates will be given thirty (30) days from the date received to pay the postage for returning the mail rejected under this policy. Illegal contraband will be seized. If the inmate is not willing to pay for the return postage within the time limit, the mail and contraband will be destroyed.
6. Mailroom personnel will submit the items to be destroyed to the Deputy Warden/Center Supervisor for review and/or approval to destroy.
7. At a time designated by the Warden/Center Supervisor, after the time limit has expired, the mailroom personnel and the Deputy Warden/Center Supervisor will oversee the destruction of the mail and contraband.
8. Any mail received without a return address containing the first and last name of the individual or the business name, street address or post office box number, city, state, and zip code will be considered contraband and destroyed. However, it may be opened to determine if disciplinary charges are warranted against the intended recipient. A notification will be sent to the inmate advising when his/her mail has been rejected and why it was rejected. The

inmate will be given thirty (30) days from the date received to pay the postage for returning mail rejected under this policy if the rejected item included a return address.

9. Original newsprint paper is difficult to screen for illicit substances. Correspondence which includes original newsprint paper is considered contraband and will be destroyed pursuant to this administrative directive. However, photocopies of newspaper articles may be sent with general correspondence so long as it does not violate the correspondence or publication policy regarding content. The copy of newsprint must be on 8 ½ by 11-inch paper or smaller and each sheet will count as one of the three pages allowed as general correspondence.

#### **B. Inmate Electronic Correspondence**

1. All inmate electronic correspondence will be subject to the rules outlined in AR 860, Inmate Correspondence.
2. The cost of the electronic correspondence is at the expense of the sender. The cost of any rejected electronic correspondence will be at the sender's expense.
3. Electronic correspondence will be considered General Correspondence only; however, the limit to three sheets and one side of an envelope will not apply.
4. All incoming and outgoing electronic correspondence will be inspected and approved before distribution.
5. Inmates who have purchased an approved MP4 Player may have their electronic correspondence downloaded through the available Kiosk in the Unit. The correspondence is transferred electronically. No printed version will be provided to the inmate.
6. Electronic photographs will be available to inmates by two (2) separate ways. Inmates who have purchased an approved MP4 Player may have their photos downloaded through the available Kiosk in the Unit. No printed version will be provided to the inmates. The photos obtained by the inmate in this way are not subject to numerical restrictions, as with printed photos as identified in AR 841, Inmate Property Control. Electronic photographs will be printed and delivered to the inmate if he/she does not possess an MP4 Player. The printed photographs must comply in content and number as stated in AR 841, Inmate Property Control. If more than five (5) pages of photographs are received, the entire correspondence will be rejected. The inmate receiving electronic photographs is responsible for ensuring that the number of printed photographs in his/her possession does not exceed established limits.
7. Rejected electronic correspondence will be rejected in its entirety.

#### **C. Legal/Privileged Correspondence**

1. Incoming Legal/Privileged Mail will be logged by mailroom staff upon receipt on the Legal Mail Delivery Form (Attachment 3). Mailroom personnel must sign and list the name of the addressee, sender, and the tracking number listed on the envelope on the Legal Mail Delivery Form. The staff member who delivers the Legal/Privileged mail to an inmate must list their name and rank on the Legal Mail Delivery Form. Upon delivery of any legal mail, staff will provide an acknowledgment of legal mail to the inmate, if the inmate refuses to sign acknowledgment, another staff member will note "inmate refused to sign" on the Legal Mail Delivery Form and sign as a witness. The Legal/Privileged mail will then be opened in the presence of the inmate. Mail opened and inspected under these circumstances will not be read or censored but may be rejected in its entirety if it is found to contain contraband.
2. There will be no records kept of the contents of the incoming or outgoing privileged correspondence. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence. All incoming privileged mail should be in official letterhead envelopes and

- should be clearly identified as "Privileged Correspondence". Media mail should be clearly marked "Media Mail".
3. Each Unit should schedule a "Privileged Mail Call" for outgoing mail once a day, Monday through Friday excluding holidays.
  4. During "Privileged Mail Call," all correspondence will be checked for contraband by two staff members, (i.e., Sergeant and Shift Captain or Lieutenant), and sealed in the presence of the inmate. Both the Sergeant and the Captain or Lieutenant will sign the back of the envelope.
  5. Once the Sergeant and Shift Captain or Lieutenant have signed the back of the envelope(s), outbound privileged mail will be deposited in the authorized Privileged Mailbox to be picked up by mailroom personnel.
  6. Any mail marked "Legal or Privileged Mail" that has not been processed in accordance with paragraphs 3 and 4 above will be given to the Shift Captain or Lieutenant by the Mailroom staff. The Captain or Lieutenant will return the mail to the inmate(s) to be opened in his/her presence to ensure contraband is not present.
  7. Units having x-ray machines will scan all incoming and outgoing privileged correspondence for contraband. For example, loose powder can be detected if the letter is stood on end and "bumped" causing the powder to collect in the corner of the envelope's seal/flap. In addition, tablets and capsules can be detected during the scanning process. After x-raying, mailroom staff will initial the envelope.  
Additionally, mailroom staff must also lay envelopes on a flat surface and run their hands over them to feel for possible contraband.
  8. Inmates in Restrictive Housing or Punitive will have his/her outbound privileged correspondence checked at their cells in accordance with paragraphs 3 and 4.

#### D. General Correspondence

1. Correspondence, other than privileged or Interstate/inter-unit correspondence, shall be considered general correspondence. Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding. There will be no limitation placed on the number of letters mailed or received; however, each item of inbound correspondence is limited to three sheets of 8 ½ x 11-inch paper or smaller along with one side of an envelope which will be photocopied and delivered to the inmate. All general correspondence, both incoming and outgoing, may be opened, inspected, read and records may be kept of all incoming and outgoing general correspondence.
2. The full name under which the inmate was committed, and the ADC number of the inmate shall be shown on the upper left-hand corner of the envelope on any outgoing mail and bottom right of incoming mail. Any violation of the rules and regulations which also constitutes a violation of Federal Postal Laws shall be reported to the Federal Postal authorities or appropriate personnel responsible for the processing and inspection of such mail.
3. Inmates in punitive housing will be allowed to send and receive general correspondence and privileged correspondence on the same basis as inmates in the general population.
4. Limitations on the pages of general correspondence to be photocopied shall not apply to the following facilities: Benton Work Release Center, Northwest Arkansas Work Release Center, Mississippi County Work Release Center, Texarkana Work Release Center, Pine Bluff Reentry Center, and the Tucker Reentry Center.

5. The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists. The page limit and copying of general correspondence is to restrict the flow of contraband arriving by paper sent into the ADC facilities.
6. The ADC will not accept postage due mail or packages.
7. All letters will be written in the English language unless there is approval by the Warden/Center Supervisor to do otherwise. All entries will be made in the inmates' electronic file.
8. Violators of correspondence regulations will be subject to disciplinary action.

#### **E. Interstate/Inter-Unit Correspondence between Incarcerated Individuals**

Interstate and Inter-unit correspondence is mail between all individuals who are incarcerated either within the ADC or another facility. Interstate, and Inter-Unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family. It will be subject to the usual rules under general correspondence including the page limit for photocopying. Inter-unit correspondence must have the approval of both the sending and receiving Warden/Center Supervisor. In the case of Interstate correspondence where the out of state facility does not take a position, only the Arkansas Warden/Center Supervisor must approve. For the purposes of this provision VERIFIED "immediate family" is defined as the inmate's father, mother, sisters, brothers, spouse, children, grandchildren, and any other person whose relationship with the inmate has been verified as that of a parent/guardian such as mother-in-law, father-in-law, grandparents, aunts, or uncles, or whose relationship with the inmate has been verified as that of a child/ward such as a foster child, son-in-law, daughter-in-law, niece, or nephew. This list of immediate family members includes stepfamily members and half siblings.

#### **V. ATTACHMENT:**

- Attachment #1- Inmate Correspondence Form
- Attachment #2- Return Mail Notice
- Attachment # 3- Legal Mail Delivery Form



DIVISION OF  
CORRECTION

6814 Princeton Pike  
Pine Bluff, AR 71602  
Phone: 870-267-6200  
Fax: 870-267-6244  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 20-04

**SUPERSEDES:** 17-17

**APPLICABILITY:** Division Staff and Inmates

**REFERENCE:** AR-864-Publications  
AD-Inmate Correspondence  
AD-Inmate Property Control  
AD-Inmate Grievance Procedure

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Dexter Payne

**EFFECTIVE DATE:** 4/10/2020

### I. POLICY:

Inmates may receive publications only from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with rehabilitative goals.

### II. PURPOSE:

This Administrative Directive establishes the process by which the Division of Correction determines which publications may be received by the inmate population.

### III. DEFINITIONS:

- A. Publication: A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text. The term publication does not include a personal letter.
- B. Commercial Outlet: A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

- C. Charitable Outlet: A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.
- D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed.
- E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.
- F. Security Terrorist Threat Group (STTG): Any group of inmates that the Division of Correction reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose or activities.

#### IV. PROCEDURES:

- A. The Warden/Center Supervisor shall designate staff to review incoming publications.
- B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting any one or more of the following categories may be rejected:
  - 1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
  - 2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law to include but not limited to;
    - a. Material advocating, or describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of Division facilities;
    - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
    - c. Material advocating or providing instructions on identity theft;
    - d. Material that incites, encourages, advocates, or promotes act of violence such as but not limited to sexual assaults and physical assaults;
  - 3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives or any other weaponry, including realistic

- pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;
4. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
  5. STTG materials including, but not limited to, codes, signs, symbols, photographs, drawings, training materials, and catalogs;
  6. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons or of other fighting techniques;
  7. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
  8. Instructions or patterns for tattoos, or other skin modification techniques or equipment;
  9. Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
  10. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
  11. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
  12. Posters measuring more than two hundred (200) square inches;
  13. Publications containing a product insert which, by itself, would be deemed contraband; and
  14. Publications which meet two (2) of the following conditions:
    - a. Books that measure more than 9" x 11".
    - b. Hardback books thicker than two (2) inches.
    - c. Softback books thicker than four (4) inches.
    - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational and religious publications.

15. Photobooks are not considered an allowable publication and will not be permitted.

**Note:** Inmates are only allowed five (5) individual photos. This does not include digital photos (refer to Inmate Correspondence AD).

C. Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. With respect to any publication, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.

D. Items within the package cannot be separated; therefore, the package is rejected in its entirety.

**Note:** For any publication rejected solely because it contains a product insert, if the product insert(s) can be removed, the publication is acceptable.

E. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

F. The decision to reject a publication may be appealed to the Central Office Publication Review Committee. The Committee members are to be assigned by the Director or his/her designee. The appeal must be initiated within ten (10) days of the receipt of written notification of the Warden/Center Supervisor's decision to reject the publication. Rejection of a Publication is not grievable.

G. Any rejected publication will be held safe by the Warden/Center Supervisor or his/her designee until the appeal process has been completed, or until the ten (10) day period for filing an appeal has expired.

H. Options for disposing of an unacceptable publication are:

1. Destruction;
2. Return of the publication to the sender at the expense of the inmate unless return postage is guaranteed;
3. Mailing the publication to a third party at the expense of the inmate;

4. Giving to a third-party during visitation.

UNIT NAME

To: Use inmate name here

From: Use Deputy/Assistant Warden/Warden name here

Publication: Name of publication, date or identifying information here

Date:

The Unit Publication Review Committee has denied your publication for the reason(s) listed below:

[List applicable Policy Numbers]

Other (explain)

Committee Member/Title Date Committee Member/Title Date

Committee Member/Title Date Committee Member/Title Date

This decision is consistent with AR 864/Publications (AD). You will have TEN (10) days upon receipt of this notification to appeal. Send your appeal to the Unit Mailroom and the mailroom will present it to the Central Office Publication Review Committee.

If you choose not to appeal the decision you will have FIFTEEN (15) days to exercise options 2, 3, 4, 5, or 6, (if applicable) before the publication will be destroyed.

- 1. Appeal
2. Destruction
3. Return the publication to sender at your own expense
4. Mail the publication to a third party at your own expense Address:
5. Give to 3rd party at Visitation
6. Authorize removal of insert(s) and release any and all claims

\*OPTION:

\*Failure to exercise an option will be considered authorization for destruction.

Inmate Signature Date

Refused to sign

Witness Date

Publication File
Inmate file
Warden
Inmate

Arkansas  
State Claims Commission

JUN 30 2022

RECEIVED

To: Ms. Kathryn Irby, Director

Date: June 24, 2022

From: Mr. Roy A. Hoggard II

ADC: [Redacted]

Re: Claim No. 220385

Dear Ms. Irby,

Please find enclosed my Motion for an Preliminary Injunction; Memorandum of points and Declaration to be processed as soon as possible due to the retaliation I am being harassed with and suffering loss and damage over filing my claim with the Commission.

As you will see I was unable or allowed to make copies due to the law library supervisor is the wife of the officer helping to retaliate against me. So I am unable to request a file-marked copy this time.

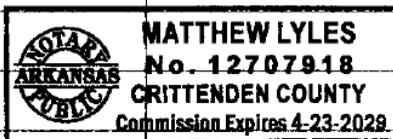
Please process my Motion as soon as possible please.

Respectfully Submitted,

*Roy Hoggard II*

Mr. Roy A. Hoggard II

Seal



SWORN to and subscribed before me at Marianna, Arkansas

on this 24 day of June, 2022.  
(Date) (month)

*Matthew Lyles*  
(Notary Public)

My Commission Expires 4 (Month), 23 (Day), 2029 (Year)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED]) CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MOTION TO SHOW CAUSE FOR AN PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND THE DECLARATION OF CLAIMANT ROY A. HOGGARD II

Upon the complaint, the supporting affidavit of claimant, and the memorandum of law submitted herewith, it is:

ORDERED that respondents Mr. Thomas Burns, Mr. Gaylen Lay, Ms. April Brandon, Mr. Straughn (Deputy Warden at East Arkansas Regional Unit), Mr. M. Richardson, Mr. C. Johnson, Mr. Tyrone Allison and Mr. William F. Straughn show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ o'clock, why a preliminary injunction should not issue pursuant to Rule 65(a) of the Federal Rules of Civil Procedure enjoining the respondents, their successors in office, agents and employees and all other persons acting in concert and participation with them, from using Retaliation in the form of fraudulent major disciplinarys for the claimant filing a complaint with the Arkansas State Claims Commission due to the unresolved results of the inmate grievance process, which reduced the claimant's class status, restriction of the use of phone, the loss of Good Time along with the cancellation of his parole hearing set for August 18, 2022, to deter the claimant from pursuing the claim.

IT IS FURTHER ORDERED that the order to show cause, and all other papers attached to this application, be served on the aforesaid Respondents by

(Judge's Signature)

\_\_\_\_\_, 2022

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED]) CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MEMORANDUM OF POINTS AND AUTHORITIESSTATEMENT OF FACTS

1. Claimant Roy A. Hoggard II has filed a Motion to show cause for an Preliminary Injunction, which is now being heard by the Commission.
2. The complaint, claim no. 220385, submitted September 22, 2021, file-marked September 27, 2021, is solely based on the EARU mailroom Supervisor, Ms. L. Southern, violating policy and procedure by photocopying the Pre-Approved by Mr. G. Hay, Warden [REDACTED] Non-Nude Publication Public Domain Photos Allowed Per AD 20-04 and received (See Exhibits of Complaint A, B, C, D, E, F and G)
3. The photographs in question was Pre-Approved by Warden G. Hay to be ordered, purchased and received Per AD 20-04 by the Claimant due to them being Non-Nude Publication Public Domain Photographs.
4. The photocopied photographs that the [REDACTED] Mailroom Supervisor, Ms. Southern photocopied and "Delivered" to the Claimant was Not Nude in any way per the ADC AD 20-04 and Policy and Procedure 16.05.0. Any inmate in the ADC is allowed to order, purchase and to have in their possession, muchless use as Exhibits in claim no. 220385

As the Claimant proved the photos are Non-Made in the Exhibits presented to the Commission, (See Exhibits A, B, C, D, E, F and G)

5. The disciplinary written on the Claimant was unlawful and a violation of AD 19-34, due to being used as retaliation for the Claimant filing the claim no. 220385, where Sergeant A. Brandon falsified and slandered the Claimant with fraudulent accusations to punish and deter the Claimant from pursuing the claim. (See Exhibit N)

6. This retaliation is a clear violation of AD 19-34 Inmate Grievance Procedure, IV Procedures, section K, Reprisals or Retaliation, subsections 1, 2, 3 and 4, Pg. 17 of 31.

1. No inmate shall suffer any threat or action based on his or her appropriate use of, or participation in, the grievance procedure. If an inmate believes he/she has been retaliated against for the use of the grievance procedure, he/she must contact the Warden/Center Supervisor, the inmate shall contact the appropriate Chief Deputy/Deputy/Assistant Director. Regardless, the inmate must exhaust their remedies through the grievance process.

"This was violated by the Warden and Deputy Director, when the Claimant attempted to do as AD Policy instructs, but his attempts was rejected. (See Exhibits Q, R and S)"

2. Any reprisal or retaliation by staff is absolutely prohibited and will be dealt with in accordance with the appropriate policy regarding employee conduct and discipline. All personnel shall receive written

and oral notice that formal and/or informal reprisals will not be tolerated.

" However, as seen by all evidence presented by the Claimant this was violated by Sgt. A. Brandon using the disciplinary action to punish the Claimant for filing a claim upon the grievance procedure, but she was not stopped or disciplined herself for her retaliation. (see Exhibits N, O and P)"

3. Once an inmate initiates the grievance process, the process shall be followed through all stages without interference by administrators or employees of the division. Anytime an inmate voluntarily decides to withdraw a grievance, he or she must submit a Grievance Waiver Form (see Attachment IX). The appropriate staff will verify receipt of the waiver in writing.

4. If reprisal or retaliation is suspected or determined after the unit/center investigation, the grievance shall be forwarded to Internal Affairs for further review with all relevant documentation

" Neither of these policy and procedures was followed for the Claimant, instead he was allowed to be retaliated against, suffered loss and damage, and continues to live in fear of retaliation."

" Unable to present an actual copy of AD 19-34 to the Commission due to unable to receive a copy of said AD, due to the Law Library Supervisor is none other than the wife of the officer that signed

off approving the disciplinary against the claimant. (see Exhibit N, the C.S.O. Tyrone Allison, Law Library Supervisor is Ms. Allison his wife.)

7. The claimant suffered having his Parole Hearing Deferred, loss of One Hundred Fifty (150) days Good Time, Forty-five (45) days loss of Phone, Visitation and Commissary, plus his Class reduced to Class III, all in retaliation for filing a complaint with the Commission, to deter the claimant from pursuing the claim.

### STATEMENT OF LEGAL AUTHORITY

8. For cause shown in the Declaration of Roy A. Hoggard II, attached hereto, and under the authority of Federal Rules of Civil Procedure 65, this court has the power to grant this Motion and Relief.

9. Warden Gaylon Lay and Sergeant April Brandon violated the "attorney-client privilege" and "protected conduct", by Sgt. Brandon not being named in the claimant's claim, not an attorney for the ADC, or a lieutenant or above assigned to deliver and open "privileged Mail" such as "Legal Mail" and view the private contents of the Exhibits in the claimant's lawsuit with the commission as in; *Castillo v. Cook County Mail Room*, 990 F.2d 304 (7th Cir. 1993) *Bieregu v. Reno*, 59 F.3d 1445 (3rd Cir. 1995) and protected by the Federal Rules of Civil Procedure.

Then wrote a disciplinary on the claimant out of retaliation (causal connection) which caused the claimant to suffer great loss

and continue to suffer loss and damage.

10. The Claimant has already suffered from this retaliation and if the illegal, wrongful, falsified, slanderous disciplinary is not reversed and removed from the Claimant's institutional jacket the Claimant will suffer further loss, damage and irreparable injury.

11. The Claimant is being retaliated against in very similar situations as *Gomez v. Vernon*, 255 F.3d 1118 (9th Cir. 2001) where documentations (Exhibits) from the Claimant's claim has been reviewed by correctional officers that does not have the authorization to do so nor the permission of the Claimant. Then the documents are used to punish the Claimant as retaliation for filing his claim with the Commission and sabotage the Claimant's claim.

12. On June 23, 2022, the Claimant received a Motion to Dismiss from Mr. Thomas Burns, Attorney for the ADC, while the Claimant is preparing this motion, which on #17 of the motion to dismiss it can be seen where Burns is continuing to threaten the Claimant and have the Claimant harassed by security by Burns making false reports to get the Claimant in trouble and harassed.

13. In a "campaign of harassment" as the Claimant has been presenting to the Commission, how the [REDACTED] mailroom supervisor, Ms. Southern has been holding his "legal Mail" for extended periods of time before she delivers it to him, by presenting the envelope faces showing proof such as on June 8, 2022, when the Claimant presented another legal envelope

showing where the mailroom held it for twenty-six (26) days before delivering it to the Claimant. The Claimant can receive a personal letter or magazines from States away in four (4) days or less.

However, legal mail being received from the Commission in Little Rock, Arkansas or Thomas Burns in Pine Bluff, Arkansas in the same state only miles away from the unit, Southern is holding for twenty-plus (20+) days then ink stamp them as if they just arrived.

The envelope being presented this time can be seen is post marked May 31, 2022, but Southern ink stamped it taking twenty-three (23) days to arrive from Pine Bluff, Arkansas just minutes from the unit. (See Exhibit V)

"I challenge the Commission to prove this is a fact and Not mere accusations by simply sending Any letter, memo, etc. and place a tracking number on the letter to prove when the letter actually arrives at the unit, and I will send the face of the envelope back to the Commission proving how it will be held for no less than twenty days before being stamped received and delivered, even though the tracking number will show and prove the letter, etc. will have arrived weeks earlier."

14, The "adverse action" committed is that Deputy Warden M. Richardson was present in the Director's Review conducted on December 29, 2021, when the Director assured the Claimant that upon his parole hearing to be held on August 18, 2022, the Director was going to make sure the Parole Board Members approved the Claimant's parole and knew what it meant to the Claimant after being incarcerated for over twenty-

two years straight in the ADC. Therefore Richardson fully knew what the Claimant was losing over being retaliated against for pursuing the claim no. 220385 with the Commission.

## CONCLUSION

15. For the reasons and based on the law set forth above, the Claimant sincerely prays that the Commission will not only grant the Motion for an Preliminary Injunction, but [REDACTED] Warden Gaylon Lay on or through Mr. Thomas Burns, attorney for the ADC, to reverse the sanctions of the wrongful and illegal disciplinary, restore the Claimant's status of Class I, return the last Good Time and lift the restrictions set immediately. To cease and desist the Retaliation against the Claimant per Law.

I declare under penalty of perjury that the foregoing is true and correct, Executed at Marianna, Arkansas on June 24, 2022.

Respectfully Submitted,

*Roy Hoggard II*

Mr. Roy A. Hoggard II

(ADC [REDACTED])

Arkansas  
State Claims Commission

JUN 30 2022

RECEIVED

To: Ms. Kathryn Irby, Director

Date: June 24, 2022

From: Mr. Roy A. Hoggard II

ADC:



360

Re: Claim No. 220385

Dear Ms. Irby,

Please find enclosed my Motion for an Preliminary Injunction; Memorandum of points and Declaration to be processed as soon as possible due to the retaliation I am being harassed with and suffering loss and damage over filing my claim with the Commission.

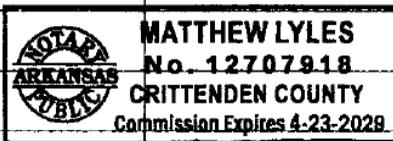
As you will see I was unable or allowed to make copies due to the law library supervisor is the wife of the officer helping to retaliate against me so I am unable to request a file-marked copy this time.

Please process my Motion as soon as possible please.

Respectfully Submitted,

Mr. Roy A. Hoggard II

seal



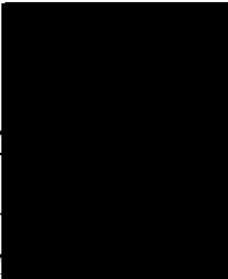
SWORN to and subscribed before me at Marianna, Arkansas

on this 24 day of June, 2022.  
(Date) (month)

Matthew Lyles  
(Notary Public)

My Commission Expires 4 (Month), 23 (Day), 2029 (Year)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (		CLAIMANT
	20385	
ARKANSAS DEPARTMENT	CTIONS	RESPONDENT

MOTION TO SHOW CAUSE FOR AN PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND THE DECLARATION OF CLAIMANT ROY A. HOGGARD II

Upon the complaint, the supporting affidavit of Claimant, and the memorandum of law submitted herewith, it is:

ORDERED that respondents Mr. Thomas Burns, Mr. Gaylen Lay, Ms. April Brandon, Mr. Straughn (Deputy Warden at East Arkansas Regional Unit), Mr. M. Richardson, Mr. C. Johnson, Mr. Tyrone Allison and Mr. William F. Straughn show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ o'clock, why a preliminary injunction should not issue pursuant to Rule 65(a) of the Federal Rules of Civil Procedure enjoining the respondents, their successors in office, agents and employees and all other persons acting in concert and participation with them, from using Retaliation in the form of fraudulent major disciplinarys for the claimant filing a complaint with the Arkansas State Claims Commission due to the unresolved results of the inmate grievance process, which reduced the claimant's class status, restriction of the use of phone, the loss of Good Time along with the cancellation of his parole hearing set for August 18, 2022, to deter the claimant from pursuing the claim.

IT IS FURTHER ORDERED that the order to show cause, and all other papers attached to this application, be served on the aforesaid Respondents by

\_\_\_\_\_  
(Judge's Signature)  
\_\_\_\_\_, 2022

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC # [REDACTED]) CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

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3. The photographs in question was Pre-Approved by Warden G. Lay to be ordered, purchased and received Per AD 20-04 by the claimant due to them being Non-Nude Publication Public Domain Photographs.
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1. No inmate shall suffer any threat or action based on his or her appropriate use of, or participation in, the grievance procedure. If an inmate believes he/she has been retaliated against for the use of the grievance procedure, he/she must contact the Warden/Center Supervisor, the inmate shall contact the appropriate Chief Deputy/Deputy/Assistant Director. Regardless, the inmate must exhaust their remedies through the grievance process.

"This was violated by the Warden and Deputy Director, when the Claimant attempted to do as AD Policy instructs, but his attempts was rejected. (See Exhibits Q, R and S)"

2. Any reprisal or retaliation by staff is absolutely prohibited and will be dealt with in accordance with the appropriate policy regarding employee conduct and discipline. All personnel shall receive written

and oral notice that formal and/or informal reprisals will not be tolerated.

" However, as seen by all evidence presented by the Claimant this was violated by Sgt. A. Brandon using the disciplinary action to punish the Claimant for filing a claim upon the grievance procedure, but she was not stopped or disciplined herself for her retaliation. (see Exhibits N, O and P)"

3. Once an inmate initiates the grievance process, the process shall be followed through all stages without interference by administrators or employees of the division. Anytime an inmate voluntarily decides to withdraw a grievance, he or she must submit a Grievance Waiver Form (see Attachment IV). The appropriate staff will verify receipt of the waiver in writing.

4. If reprisal or retaliation is suspected or determined after the unit/center investigation, the grievance shall be forwarded to Internal Affairs for further review with all relevant documentation

"Neither of these policy and procedures was followed for the Claimant, instead he was allowed to be retaliated against, suffered loss and damage, and continues to live in fear of retaliation."

"Unable to present an actual copy of AD 19-34 to the Commission due to unable to receive a copy of said AD, due to the Law Library Supervisor is none other than the wife of the officer that signed

off approving the disciplinary against the claimant. (see Exhibit N, the C.S.O. Tyrone Allison, Law Library Supervisor is Ms. Allison his wife.)

7. The claimant suffered having his Parole Hearing Deferred, loss of One Hundred fifty (150) days Good Time, Forty-five (45) days loss of Phone, Visitation and Commissary, plus his Class reduced to Class III, all in retaliation for filing a complaint with the Commission, to deter the claimant from pursuing the claim.

### STATEMENT OF LEGAL AUTHORITY

8. For cause shown in the Declaration of Roy A. Hoggard II, attached hereto, and under the authority of Federal Rules of Civil Procedure 65, this court has the power to grant this Motion and Relief.

9. Warden Gaylon Lay and Sergeant April Brandon violated the "attorney-client privilege" and "protected conduct", by Sgt. Brandon not being named in the claimant's claim, not an attorney for the ADC, or a lieutenant or above assigned to deliver and open "privileged Mail" such as "legal Mail" and view the private contents of the Exhibits in the claimant's lawsuit with the commission as in; *Castillo v. Cook County Mail Room*, 990 F.2d 304 (7th Cir. 1993) *Bieregu v. Reno*, 59 F.3d 1445 (3rd Cir. 1995) and protected by the Federal Rules of Civil Procedure.

Then wrote a disciplinary on the claimant out of retaliation (causal connection) which caused the claimant to suffer great loss

and continue to suffer loss and damage.

10. The Claimant has already suffered from this retaliation and if the illegal, wrongful, falsified, slanderous disciplinary is not reversed and removed from the Claimant's institutional jacket the Claimant will suffer further loss, damage and irreparable injury.

11. The Claimant is being retaliated against in very similar situations as *Gomez v. Vernon*, 255 F.3d 1118 (9th Cir. 2001), where documentations (Exhibits) from the Claimant's claim has been reviewed by correctional officers that does not have the authorization to do so nor the permission of the Claimant. Then the documents are used to punish the Claimant as retaliation for filing his claim with the Commission and sabotage the Claimant's claim.

12. On June 23, 2022, the Claimant received a Motion to Dismiss from Mr. Thomas Burns, Attorney for the ADC, while the Claimant is preparing this motion, which on #17 of the motion to dismiss it can be seen where Burns is continuing to threaten the Claimant and have the Claimant harassed by security by Burns making false reports to get the Claimant in trouble and harassed.

13. In a "campaign of harassment" as the Claimant has been presenting to the Commission, how the [REDACTED] mailroom supervisor, Ms. Southern has been holding his "legal Mail" for extended periods of time before she delivers it to him, by presenting the envelope faces showing proof such as on June 8, 2022, when the Claimant presented another legal envelope

showing where the mailroom held it for twenty-six (26) days before delivering it to the Claimant. The Claimant can receive a personal letter or magazines from States away in four (4) days or less. However, legal mail being received from the Commission in Little Rock, Arkansas or Thomas Burns in Pine Bluff, Arkansas in the same state only miles away from the unit, Southern is holding for twenty-plus (20+) days then ink stamp them as if they just arrived. The envelope being presented this time can be seen is post marked May 31, 2022, but Southern ink stamped it taking twenty-three (23) days to arrive from Pine Bluff, Arkansas just minutes from the unit. (See Exhibit V)

"I challenge the Commission to prove this is a fact and Not mere accusations by simply sending Any letter, memo, etc. and place a tracking number on the letter to prove when the letter actually arrives at the unit, and I will send the face of the envelope back to the Commission proving how it will be held for no less than twenty days before being stamped received and delivered, even though the tracking number will show and prove the letter, etc. will have arrived weeks earlier."

14, The "adverse action" committed is that Deputy Warden M. Richardson was present in the Director's Review conducted on December 29, 2021, when the Director assured the Claimant that upon his parole hearing to be held on August 18, 2022, the Director was going to make sure the Parole Board Members approved the Claimant's parole and knew what it meant to the Claimant after being incarcerated for over twenty-

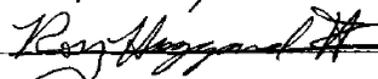
two years straight in the ADC. Therefore Richardson fully knew what the Claimant was losing over being retaliated against for pursuing the claim no. 220385 with the Commission.

## CONCLUSION

15. For the reasons and based on the law set forth above, the Claimant sincerely prays that the Commission will not only grant the Motion for an Preliminary Injunction, but order the ADC [REDACTED] Warden Gaylon Lay on or through Mr. Thomas Burns, Attorney for the ADC, to reverse the sanctions of the wrongful and illegal disciplinary, restore the Claimant's status of Class I, return the last Good Time and lift the restrictions set immediately. To cease and desist the Retaliation against the Claimant per Law.

I declare under penalty of perjury that the foregoing is true and correct, Executed at Marianna, Arkansas on June 24, 2022.

Respectfully Submitted,



Mr. Roy A. Hoggard II

(AD [REDACTED])

"Exhibit V"

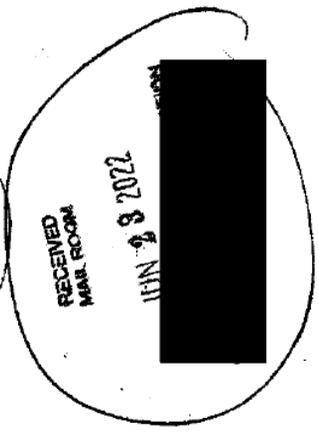
**LEGAL DIVISION**  
**Division of Correction**  
6814 Princeton Pike  
Pine Bluff, AR 71602



X2-12

Roy Hoggard  
[Redacted]

Legal Mail



8 of 8

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED])

CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

DECLARATION OF ROY A. HOGGARD II

I, Mr. Roy A. Hoggard II, declare under penalty of perjury:

1. I am the Claimant in the case of Roy A. Hoggard II v. Arkansas Department of Corrections (claim no. 220385) currently pending in the Arkansas State Claims Commission. (Commission)
2. On September 22, 2021, the claimant filed a formal complaint with the Commission, solely based on the [REDACTED] mailroom supervisor, Ms. L. Southern, violating policy and procedures by photocopying the Pre-Approved by Mr. G. Kay, Warden [REDACTED] Non-Nude Publication Public Domain Photos Allowed Per AD 20-04 and received, (See Exhibits of Complaint A, B, C, D, E, F and G.)
3. On May 13, 2022, the claimant received a file-marked copy from the commission assigning the complaint the claim number 220385, where the claim had been processed to proceed.
4. On June 8, 2022, the claimant received a major disciplinary charging him with rule violations, 2-5 Unauthorized use of mail, and 2-20 Unauthorized communication, contact, or conduct with a visitor or any member of the public or staff. Which in the body of the disciplinary, states that a Sergeant April Brandon received information on the claimant filing the complaint with the Commission and therefore charging him for doing so. Then she

proceeded to slander the Claimant with fraudulent false accusations of the Exhibits the Claimant presented to the court. (See Exhibit N.)

5. The Claimant was not allowed or afforded to call any witnesses or evidence in his defense as can be seen how the disciplinary is already pre-printed stating No Witness Statements. (See Exhibit N.)

6. On June 8, 2022, the Claimant attended the classification meeting held by Deputy Warden Mr. Richardson, where the claimant presented the file-marked copy of the claim along with the disciplinary, at which time, Richardson reviewed all documents and stated that the Claimant should not have received the disciplinary to begin with, but he would not "pull" the disciplinary, instead instructed the Claimant to "see what they do in court." When Mr. Richardson could have cancelled the disciplinary so no harm came to the Claimant, however, he refused to do so.

7. On June 9, 2022, the Claimant was not allowed or afforded to present any documents in disciplinary court. He was handcuffed behind his back and in leg shackled irons and placed in a small cage to speak via computer screen. Where disciplinary Judge Terrie Banister found the Claimant guilty of mailing the commission his claim with exhibits and reduced him to class three, one hundred fifty (150) days Good Time forfeited, and forty five (45) days restriction of phone, visitation and commissary. (See Exhibits O and P.)

8. On June 8, 2022, the Claimant attempted to use the inmate grievance procedure, due to the retaliation. However, it was rejected, on June 13, 2022, the Claimant proceeded to Step 2, it was rejected again, on June

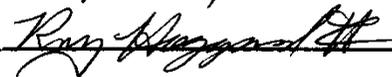
14, 2022, the Claimant appealed the decision, but once again it was rejected. (See Exhibits Q, R and S)

9. On June 13, 2022, the Claimant attempted again to use the inmate grievance procedure, yet did not receive a response and submitted the grievance to step 2 on June 16, 2022. However, it will take 30 days to receive a response from the Warden, which the Claimant fears may receive more fraudulent disciplinarys before the response is received without help immediately from the Commission. (See Exhibits T and U)

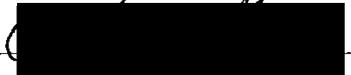
10. On June 21, 2022, the Claimant received a notification from the EARU Institutional Release Officer, Ms. Martha K. Adams, informing the Claimant that due to the resent actions from the retaliation of filing the complaint with the Commission and reduction of class his Parole of twenty-two (22) plus years straight will be Deferred.

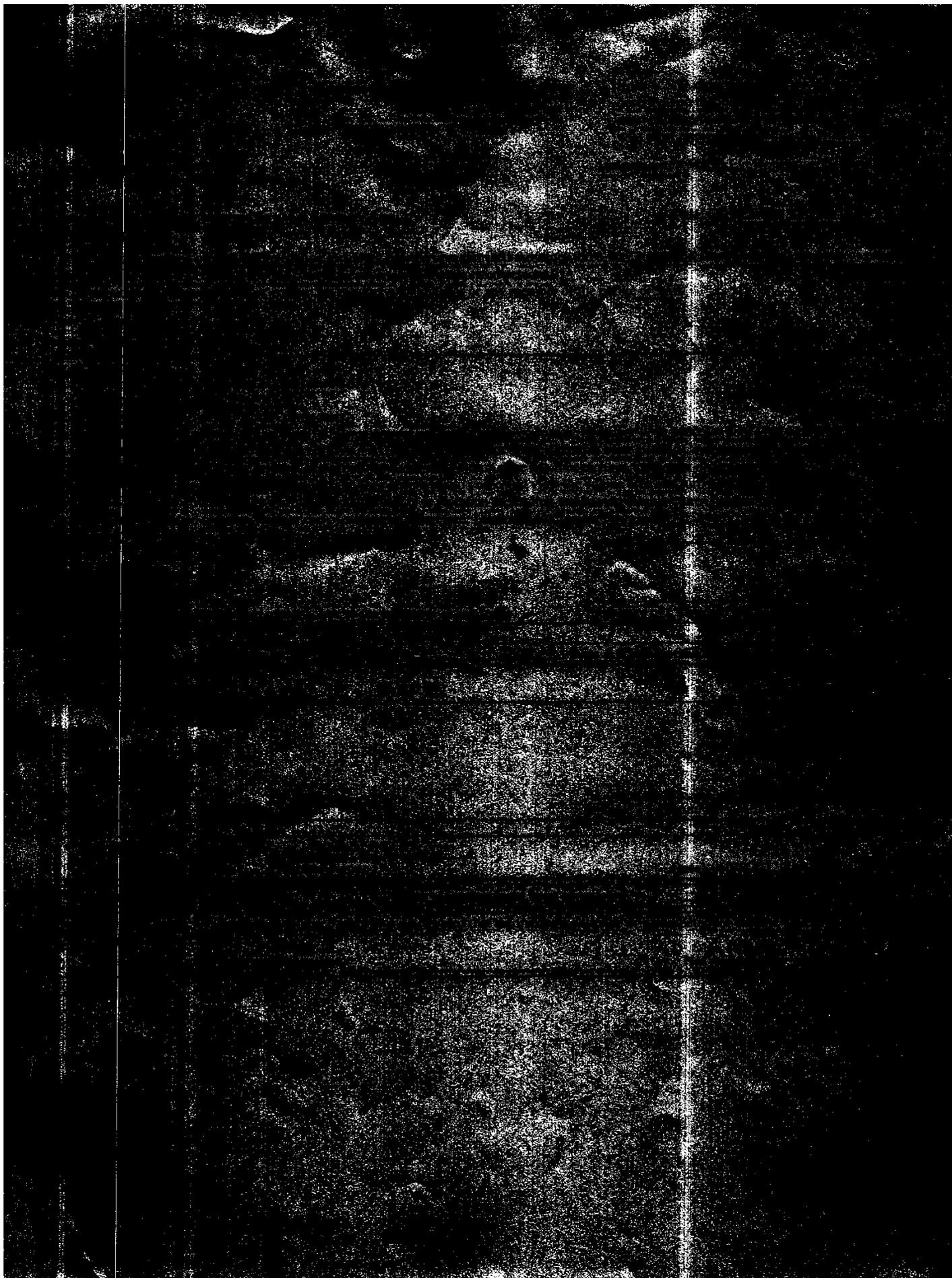
I declare under penalty of perjury that the foregoing is true and correct. Executed at Marianna, Arkansas on June 24, 2022.

Respectfully Submitted,



Mr. Ray A. Haggard II





"Exhibit 0"

Handwritten initials/signature

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Hoggins, Roy A II

ADC#: [REDACTED]

Unit: [REDACTED]

Code Violation(s):

- 02-5 Unauthorized use of mail OR telephone, including passing unauthorized messages, three-way communication(s), calling on another's phone code, posing as another person, telephone communications with unauthorized persons
- 02-20 Unauthorized communication, contact, or conduct with a visitor or any member of the public or staff.

Date/Time of Alleged Offense(s): 06/02/2022 10:15 AM

Hearing Date: 06/09/2022 Time: Start 10:28 AM End 10:40 AM

Recorder: Banister, Terrie L. Tape#: Side: Meter: From To

Plea: Not Guilty, Not Guilty Attendance Waived: No

Has waiver form been completed?

Inmate's Statement:  
 THIS IS A TRUE AND TRUE CASE. I FILED A LAWSUIT. THE CLAIMS COMMISSION TOOK THEM UNTIL MAY 9 AND RULED ON IT AND HAD MERIT. I HAVE A FILE MARK COPY BACK. THEY WERE ORDERED FROM A PUBLICATION COMPANY AS TRYING TO GET A REFUND FROM THE PUBLICATION.

Signature of Inmate: \_\_\_\_\_

Court Questions:  
 Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty

Restriction Days to Serve			
Commissary:	45	Days Suspended:	0
Phone:	45	Days Suspended:	0
Visitation:	45	Days Suspended:	0
GT Class Reduced to:	III	Class Suspended:	
GT Days Forfeited:	150	Days Suspended:	0

"Exhibit P"

Hearing Action  
06/09/2012 12:43 PM  
Page 2

Inmate: Hoggard, Roy A II

ADC#: [REDACTED]

Unit: [REDACTED]

**Additional Sanctions/General Comments:**

**Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):**  
INMATE HOGGARD MAILED A LETTER TO THE CLAIMS COMMISSION THAT CONTAINED INAPPROPRIATE FEMALE POSING NUDITY

**Evidence Received:**  
STAFF REPORT STATES INMATE HOGGARD MAILED A LETTER TO THE CLAIMS COMMISSION THAT CONTAINED INAPPROPRIATE FEMALE POSING NUDITY.  
See statement from charging officer, PHOTOS.

**Reasons Why Information Purporting to Exonerate Inmate was Discounted:**  
Staff report is accepted.

**Reasons for Assessment of Punishment:**  
INMATE HOGGARD IS A CLASS IC INMATE WHO MUST LEARN THAT THE MISUSE OF THE MAIL SENDING OUT NUDE PHOTOS WILL NOT BE TOLBRATED FOR SECURITY PURPOSES.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature \_\_\_\_\_ Counsel-Substitute \_\_\_\_\_

I affirm that the information is true to the best of my knowledge.

Hearing Officer 109810 [Signature] Date \_\_\_\_\_

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"Exhibit Q"

RECEIVED

UNIT LEVEL [redacted] FORM (Attachment I) JUN 17 2022

FOR OFFICE USE ONLY	
GRV [redacted]	M2-D151
Date Received:	6-14-22
GRV. Code #:	400

Name Hoggard, Roy Adrin III INMATE GRIEVANCES SUPERVISOR

ADC# [redacted] Works [redacted] ADMINISTRATION BUILDING Assignment N/A

6/8/22 (Date) STEP ONE: Informal Resolution

6/13/22 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)  
If the issue was not resolved during Step One, state why: These photos are allowed and as shown on Exhibits D & E are the Envelopes the photos was received in

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: \_\_\_\_\_

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On 6/8/22, Sgt. Davis approached my cell Max 212 and informed me I was being written up for a Law Suit I filed in the Arkansas State Claims Commission last year in Sept. 2021 and the Commission just processed my claim No. 220385 and sent me my File-Marked copy, ink stamped received in the mailroom 5/13/22, where my Exhibits are what I am being charged over. This is a clear violation of AD 19-34 Grievance Policy of Retaliation over me using the inmate grievance policy then filing a law suit over the results of that grievance. I will be contacting Ms. Kathryn Irby, Director of the State Claims Commission and report how I have been retaliated against for filing a law suit. Please have this wrongful disciplinary dismissed and removed from my jacket.

POLICY HAS BEEN REVIEWED  
A REJECTION FOR THIS

Inmate Signature Roy Hoggard III Date 6/8/22

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on 6-9-22 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? No (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_

Staff Name (Problem Solver) Sgt. B. King ID Number [redacted] Staff Signature Sgt. B. King Date Received 6-9-22

Describe action taken to resolve complaint, including dates: The publication committee chairman DLW Johnson deemed the photos unfit to have. If this answer is not suitable feel free to contact the committee chairman DLW Johnson. EUB

Staff Signature & Date Returned Sgt. B. King 6-13-22 Inmate Signature & Date Received Roy Hoggard III 6/13/22

This form was received on \_\_\_\_\_ (date), pursuant to Step Two. Is it an Emergency? \_\_\_\_\_ (Yes or No).

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; ORIGINAL - Given back to Inmate after Completion of Step One and Step Two.

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IGTT400  
3GR

"Exhibit R"

### ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Hoggard, Roy A. II  
FROM: Jenkins, Arielle T  
DATE: 06/14/2022

ADC #: [REDACTED]  
TITLE: Administrative Specialist I  
GRIEVANCE #: E 22-01159

Please be advised, I have received your Grievance dated 06/08/2022 on 06/14/2022. You should receive communication regarding the Grievance by 07/13/2022. POLICY HAS RESULTED IN REJECTION FOR THIS APPEAL AND MARKS THE END OF THE APPEAL PROCESS.

Signature of Administrative Specialist I

### CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
- This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- This Grievance has been determined to be an emergency situation, as you so indicated.
- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable ( Disciplinary matter ), untimely, was a duplicate of , or was frivolous or vexatious.

### INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

*AS stated this is Retaliation for using the Grievance process then filing a lawsuit due to the results. The photos are Non-Nude and was received per AD 20-04, I was and am suing due to the fact they were not to be photocopied and originals destroyed, therefore the photocopies of the phot. are the evidence in the lawsuit and are not nude or inappropriate, I was Retaliated against for using the Grievance process and filing a lawsuit plain and simple.*

Inmate Signature

ADC#: 100526  
Date: 6/14/22

RECEIVED

JUN 17 2022

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

8 of 11

"Exhibit S"

IGTT405  
3GT

Attachment V

**ACKNOWLEDGEMENT OF GRIEVANCE APPEAL  
or REJECTION OF APPEAL**

FAILURE TO FOLLOW  
PROCEDURE HAS RESULTED IN  
A DECISION FOR THIS  
APPEAL AND MARKS THE END  
OF THE APPEAL PROCESS

TO: Inmate Hoggard, Roy A. II      ADC #: [REDACTED]  
FROM: Straughn, William F.      TITLE: Deputy Director  
RE: Receipt of Grievance [REDACTED] 22-01159      DATE: 06/17/2022

Please be advised, the appeal of your grievance dated  
06/08/2022  
was received in my office on this date 06/17/2022

**Your grievance appeal is being returned pursuant to the Administrative Directive on Inmate Grievances due to one of the following:**

- The time allowed for appeal has expired
- The matter is non-grievable and does not involve retaliation:
  - (a) Parole and/or Release matter
  - (b) Transfer
  - (c) Job Assignment (Unrelated to Medical Restriction)
  - (d) Disciplinary matter
  - (e) Matter beyond the Division's control and/or matter of State/Federal law
  - (f) Involves an anticipated event
  - (g) Publication
- You did not send all the proper Attachments:
  - (a) Unit Level Grievance Form (Attachment 1)
  - (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response (Attachment IV for Health Issues Only)
  - (c) Acknowledgement and/or Rejection form (Attachment II)
  - (d) Step Two was appropriately rejected
  - (e) Did not give reason for disagreement in space provided for appeal
  - (f) Did not complete Attachment III or IV by signing your name, ADC#, and/or the date
  - (g) Unsanitary form(s) or documents received
- This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

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"Exhibit T"

**UNIT LEVEL GRIEVANCE FORM (Attachment I)**

Unit/Center \_\_\_\_\_

Name Hoggard, Roy Adrin II

ADC# 100526 Brks # max 212 Job Assignment N/A

FOR OFFICE USE ONLY	
GRV. #	<u>122-01189</u>
Date Received:	<u>6/16/22</u>
GRV. Code #:	_____

6/13/22 (Date) STEP ONE: Informal Resolution

6/16/22 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I have not received a response to step 1 nor has the issue been solved.

\_\_\_\_\_, (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: \_\_\_\_\_

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On 6/2/22, Sgt. April Brandon violated my legal rights by opening and viewing my legitimate law suit filed in the Arkansas State Claims Commission last year Claim No. 220385 that she is not named in the suit, she is not a lawyer for the ADC and she is not a Lt. or above assigned to deliver legal Mail to inmates and therefore she was not authorized to open or view my personal and private law suit against the ADC. Therefore she violated several AD's, Policy and Procedures, not to mention my rights and due process, along with the rules of Arkansas Civil Procedure.

Roy Hoggard II  
Inmate Signature

6/13/22  
Date

*If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.*

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on 6/13/22 (date), and determined to be Step One and/or an Emergency Grievance \_\_\_\_\_ (Yes or No). This form was forwarded to medical or mental health? \_\_\_\_\_ (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_

PRINT STAFF NAME (PROBLEM SOLVER)	ID Number	Staff Signature	Date Received
Describe action taken to resolve complaint, including dates: _____			

Staff Signature & Date Returned \_\_\_\_\_ Inmate Signature & Date Received \_\_\_\_\_

This form was received on \_\_\_\_\_ (date), pursuant to Step Two. Is it an Emergency? \_\_\_\_\_ (Yes or No). Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_ Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_ If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; ORIGINAL - Given back to Inmate after Completion of Step One and Step Two.**

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IGTT400  
3GR

"Exhibit U"

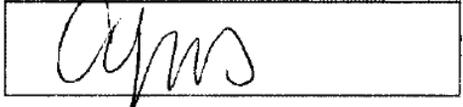
Attachment II

### ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Hoggard, Roy A. II  
FROM: Jenkins, Arielle T  
DATE: 06/16/2022

ADC #: [REDACTED]  
TITLE: Administrative Specialist I  
GRIEVANCE #: [REDACTED] 22-01169

Please be advised, I have received your Grievance dated 06/13/2022 on 06/16/2022 .  
You should receive communication regarding the Grievance by 07/15/2022



Signature of Administrative Specialist I

### CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
- This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- This Grievance has been determined to be an emergency situation, as you so indicated.
- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable ( ), untimely, was a duplicate of , or was frivolous or vexatious.

### INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.



Inmate Signature

ADC#: [REDACTED]  
Date \_\_\_\_\_

If appealing a rejection, please include both the Unit Level Grievance Form (Attachment I) and the Rejection (Attachment II)

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

ROY A. HOGGARD II (ADC [REDACTED])

JUN 30 2022

CLAIMANT

No. 220385

RECEIVED

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

OPPOSITION

Comes Now the Claimant, Mr. Roy A. Hoggard II, with his opposition to the respondent's Motion to dismiss, states;

1. First and foremost, the Claimant wishes to point out, as presented as evidence to the Commission in the Claimant's Motion for an Preliminary Injunction, The EARU mailroom supervisor, Ms. L. Southern, has been and is continuing to hold the Claimant's Legal Mail for no less than twenty-plus days before delivering them to the Claimant in an attempt to sabotage the Claimant's claim so that not only can the Claimant not research the cases cited by the respondent, due to not having the time before the time limit to respond lapses, but the respondent and through the help of ADC employees are attempting to sabotage the Claimant's claim by not allowing him enough time to draft his response before the time limit to respond lapses. (See Exhibits V of Claimant's Motion for an Preliminary Injunction)
2. The Claimant did fully stated the true and correct facts pursuant to the Arkansas Rules of Civil Procedure 12 (b)(6) which relief can be granted.
3. The respondent continues to TRY to cloud the Commission's idea of the photographs in question, by constantly falsely claiming they

are inappropriate, when the Claimant has proven to the Commission, by way of the exhibits presented to the Commission, that the photographs are NOT NUDE or INAPPROPRIATE in any way and Are in accordance with the Approval of AD 20-04 publications policy and procedure. (See Exhibits F and G of Claim no. 220385)

4. By the respondent's own admission and evidence presented in his Motion to Dismiss, Exhibit A, proves the Claimant's claim is correct and true, where the respondent is completely in the wrong by violation of their own Administrative Directives and Policy and Procedures.

"Incoming" general correspondence defined as "Correspondence" is letters and personal photographs of "family members and friends" per AD 2021-01 Inmate Correspondence. And "Publications" which are defined in AD 20-04 Publications, Definitions, section III, subsection A, Publications such as public domain items such as; "Books, Magazines, Catalogs, Advertising Brochures, Religious Tracts, Newspapers, Periodicals, Newsletters or any type of image or text. (Such as Models, Not personal photos of family or friends, but image that are SOLD to the public as "Publications") The term publication Does NOT include "Personal letters." (See Exhibits W and X)

5. The Claimant already notified the Commission of the change of AD 17-17 to AD 20-04 on May 19, 2022.

6. Again through the respondent's own admission and evidence presented in his Motion to Dismiss, his False accusations of slander toward and about the Claimant is proven incorrect by

AD 20-04 Publications, Definitions, Section III, subsection E, Sexually Explicit, is defined as; "A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sadomasochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value." Which the Claimant has proven by way of his Exhibits F and G of claim no. 220385, NONE of the photographs presented to the Commission as exhibits can be defined as Sexually Explicit in any way. Just as in subsection D, the definition of "Nudity" is defined as; A depiction in which genitalia, buttock(s) or female breasts are "fully exposed," which underwear, even a G-String is considered covering the buttock(s) to where they are NOT "fully exposed," which also the Claimant has proven by way of his Exhibits F and G of claim no. 220385 presented to the Commission, that NONE of the photographs presented as evidence are Nude or Sexually Explicit in any way per AD 20-04 Publications or Policy and Procedure 16.05, 0 Publications. (see Exhibits W and B of claim no. 220385)

7. In the respondent's Motion to Dismiss, #17 proves the allegations of the respondent, Mr. Thomas Burns, attorney for the ADC is causing continual problems of threats and violating the Claimant's right to file a claim in the Claims Commission

by having the [REDACTED] security harass the claimant to deter the claimant from pursuing the claim to be true and not mere accusations. (See Respondent's Motion to Dismiss)

8. The claimant has proven by way of his evidence that the photographs in question was Pre-Approved to be ordered and purchased, by Warden G. Lay per AD 20-04, they arrived and was wrongfully photocopied by the mailroom supervisor, Ms. Southern and then "Delivered" them to the claimant. (see Exhibits A, B, C, D, E, F and G of claim no. 220385)

9. The claimant was not allowed or afforded the opportunity to appeal the destruction of his Pre-Approved, Authorized photographs per AD 20-04 and Policy and Procedure 16.05.0, that was wrongfully photocopied and the originals destroyed, due to the fact the photographs was NOT denied or rejected. They were just wrongfully photocopied and then delivered to the claimant, which the photocopying was in violation of AD 20-04 and Policy and Procedure 16.05.0. (See Exhibits A, B, C, D, E, F and G of claim no. 220385)

10. These photographs in question are NOT a threat to the safety of Any Unit, due to they are permitted to be ordered, purchased, obtained and have in Any Inmates possession per AD 20-04 and Policy and Procedure 16.05.0. Therefore, once again the respondent's attempt to distract by falsely stating incorrect information can be proven wrong by AD 20-04 and Policy and Procedure 16.05.0. (see Exhibits W and

B of claim no. 220385)

11. As facts, if this claim, if presented to a court of general jurisdiction would not only be ruled in the Claimant's favor due to the facts presented, but the Respondents would be cited for their breaking of the Law per Arkansas and Federal Rules of Civil Procedure of retaliation and attempting to punish and coerce the Claimant to stop pursuing his claim.
12. The Claimant has shown how he has suffered damages, both financially and by means of the respondents retaliation has caused the cancelling of the Claimant's parole hearing after twenty-two plus years of incarceration because of the retaliatory disciplinary action taken for the Claimant filing a claim no. 220385 with the Commission from the results of the inmate grievance procedure set by the ADC.
13. The Respondent and Thomas Burns, attorney for the ADC, shall continue to attempt to deflect the facts by presenting false information and slanderous accusations towards the Claimant in the hopes the Commission will fall for their Smok show instead of basing their judgment on the true and correct facts presented by the Claimant in this claim.

WHEREFORE, the Claimant Prays that the respondent's Motion to Dismiss be Denied and a hearing set as soon as possible.

Certificate of Service

I certify that a copy of the above pleading has been served this 26<sup>th</sup> day of June 2022, on the below Respondent by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)  
Department of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
Roy Haggard II  
Mr. Roy A. Haggard II  
(ADC [REDACTED])

"Exhibit W"



6814 Princeton Pike  
Pine Bluff, AR 71602  
Phone: 870-267-6200  
Fax: 870-267-6244  
www.adc.arkansas.gov

DIVISION OF  
CORRECTION

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 20-04

**SUPERSEDES:** 17-17

**APPLICABILITY:** Division Staff and Inmates

**REFERENCE:** AR-864-Publications  
AD-Inmate Correspondence  
AD-Inmate Property Control  
AD-Inmate Grievance Procedure

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Dexter Payne

**EFFECTIVE DATE:** 4/10/2020

**I. POLICY:**

Inmates may receive publications only from recognized commercial, religious or charitable outlets. ~~\_\_\_\_\_~~  
~~the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with institutional goals.~~

**II. PURPOSE:**

This Administrative Directive establishes the process by which the Division of Correction determines which publications may be received by the inmate population.

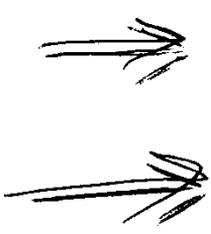
**III. DEFINITIONS:**



- A. Publication: A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, ~~\_\_\_\_\_~~ The term publication does not include a personal letter.
- B. Commercial Outlet: A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

C. Charitable Outlet: A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.

D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed.



E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.

F. Security Terrorist Threat Group (STTG): Any group of inmates that the Division of Correction reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose or activities.

**IV. PROCEDURES:**

A. The Warden/Center Supervisor shall designate staff to review incoming publications.

B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting any one or more of the following categories may be rejected:

1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;

2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law to include but not limited to;

a. Material advocating, or describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of Division facilities;

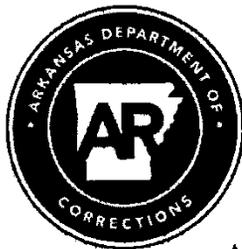
b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;

c. Material advocating or providing instructions on identity theft;

d. Material that incites, encourages, advocates, or promotes act of violence such as but not limited to sexual assaults and physical assaults;

3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives or any other weaponry, including realistic

"Exhibit X"



**ARKANSAS DEPARTMENT OF CORRECTIONS**  
Division of Correction - Director's Office

6814 Princeton Pike  
Pine Bluff, Arkansas 71602  
Phone: (870) 267-6200 | Fax: (870) 267-6244

**ADMINISTRATIVE DIRECTIVE**

**SUBJECT:** Inmate Correspondence

**NUMBER:** 2021-01

**SUPERSEDE:** 18-37

**APPLICABILITY:** All Staff and Inmates

**PAGE:** 1 of 5

**REFERENCE:** AR 860 Inmate Correspondence; AR 401 Searches for and Control of Contraband; AR 841 Inmate Property Control; AR 825 Inmate Name Change for Religious Purposes; AD Inmate Name Changes; AD Inmate Property Control ACA Standards; and A.C.A. 12-12-312

**APPROVED:** Original signed by Director Dexter Payne EFFECTIVE DATE: 3/29/2021

**I. POLICY:**

It shall be the policy of the Arkansas Division of Correction (ADC) to permit inmates to correspond with family, friends, officials, and other significant community contacts with a minimum of interference consistent with the legitimate security needs of the facility; however, the increasing use of illegal drugs has led to the need to limit incoming paper correspondence.

**II. PURPOSE:**

It is the ADC's policy to open all mail in accordance with the procedures outlined in Administrative Rule (AR) 860, Inmate Correspondence. The rule covers Privileged, General, and Interstate/Inter-Unit correspondence. Since opened mail will not be returned to the sender by the Postal Service without additional postage, the inmate shall be responsible for the cost.

**III. DEFINITIONS:**

A. Inspections. Mail or hobby-craft packages will be opened to determine if any contraband items are contained therein and to remove any such contraband items.



B. General Correspondence. Correspondence mailed to the inmate, other than privileged correspondence, will be limited to three (3) pages which will be copied (black and white photocopy) along with the envelope so that two (2) sheets of paper, front and back, shall be provided for each item of general correspondence an inmate receives. Originals will be shredded after the copy has been made.



C. Legal/Privileged Correspondence. Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities.

- 1) Officers of Federal, State, and Local Courts;
- 2) Any Federal or State Official or Agency;
- 3) Any Administrator of the ADC;

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- 4) The Parole Board or its staff;
- 5) The Board of Corrections or its staff;
- 6) The Inmate's Attorney(s); and
- 7) Any member of the News Media.

- D. Contraband. Any item that is not permitted under the usual rules of the unit/center including general correspondence that exceeds three pages.
- E. Rejection. Any item of correspondence containing any contraband will be rejected. Any item of general correspondence exceeding the limitations set out in Section IV. A. below will be rejected. In addition, [REDACTED]  
[REDACTED]

**IV. PROCEDURES**

**A. Inmate Correspondence Constituting or Containing Contraband**

- 1. All mail is opened in accordance with AR 860. Mail containing contraband or the contents of which exceeds an envelope with writing on one side and three sheets of 8 1/2 x 11-inch (or smaller) size paper with writing on one side will be returned to the sender and the inmate to whom the correspondence was addressed and/or was to receive the contraband will be required to pay for the return postage or agree to the destruction of the mail and contraband. Note that individual photographs will be considered one sheet of paper, and nothing larger than 8 1/2 x 11 inch will be copied. No color photocopies will be made.
- 2. Photos received from the crime lab that contain the following information to an inmate in the custody of ADC shall be considered contraband per A.C.A. § 12-12-312:
  - a. Depicts a crime scene;
  - b. Depicts the victim of a crime; or
  - c. Was taken in conjunction with an autopsy.
- 3. [REDACTED]
- 4. Inmates are encouraged to communicate with those persons with whom they correspond to make them aware of the items which they can receive legally and request that contraband items not be sent.
- 5. Inmates will be given thirty (30) days from the date received to pay the postage for returning the mail rejected under this policy. Illegal contraband will be seized. If the inmate is not willing to pay for the return postage within the time limit, the mail and contraband will be destroyed.
- 6. Mailroom personnel will submit the items to be destroyed to the Deputy Warden/Center Supervisor for review and/or approval to destroy.
- 7. At a time designated by the Warden/Center Supervisor, after the time limit has expired, the mailroom personnel and the Deputy Warden/Center Supervisor will oversee the destruction of the mail and contraband.
- 8. Any mail received without a return address containing the first and last name of the individual or the business name, street address or post office box number, city, state, and zip code will be considered contraband and destroyed. However, it may be opened to determine if disciplinary charges are warranted against the intended recipient. A notification will be sent to the inmate advising when his/her mail has been rejected and why it was rejected. The



inmate will be given thirty (30) days from the date received to pay the postage for returning mail rejected under this policy if the rejected item included a return address.

9. Original newsprint paper is difficult to screen for illicit substances. Correspondence which includes original newsprint paper is considered contraband and will be destroyed pursuant to this administrative directive. However, photocopies of newspaper articles may be sent with general correspondence so long as it does not violate the correspondence or publication policy regarding content. The copy of newsprint must be on 8 ½ by 11-inch paper or smaller and each sheet will count as one of the three pages allowed as general correspondence.

#### **B. Inmate Electronic Correspondence**

1. All inmate electronic correspondence will be subject to the rules outlined in AR 860, Inmate Correspondence.
2. The cost of the electronic correspondence is at the expense of the sender. The cost of any rejected electronic correspondence will be at the sender's expense.
3. Electronic correspondence will be considered General Correspondence only; however, the limit to three sheets and one side of an envelope will not apply.
4. All incoming and outgoing electronic correspondence will be inspected and approved before distribution.
5. Inmates who have purchased an approved MP4 Player may have their electronic correspondence downloaded through the available Kiosk in the Unit. The correspondence is transferred electronically. No printed version will be provided to the inmate.
6. Electronic photographs will be available to inmates by two (2) separate ways. Inmates who have purchased an approved MP4 Player may have their photos downloaded through the available Kiosk in the Unit. No printed version will be provided to the inmates. The photos obtained by the inmate in this way are not subject to numerical restrictions, as with printed photos as identified in AR 841, Inmate Property Control. Electronic photographs will be printed and delivered to the inmate if he/she does not possess an MP4 Player. The printed photographs must comply in content and number as stated in AR 841, Inmate Property Control. If more than five (5) pages of photographs are received, the entire correspondence will be rejected. The inmate receiving electronic photographs is responsible for ensuring that the number of printed photographs in his/her possession does not exceed established limits.
7. Rejected electronic correspondence will be rejected in its entirety.

#### **C. Legal/Privileged Correspondence**

1. Incoming Legal/Privileged Mail will be logged by mailroom staff upon receipt on the Legal Mail Delivery Form (Attachment 3). Mailroom personnel must sign and list the name of the addressee, sender, and the tracking number listed on the envelope on the Legal Mail Delivery Form. The staff member who delivers the Legal/Privileged mail to an inmate must list their name and rank on the Legal Mail Delivery Form. Upon delivery of any legal mail, staff will provide an acknowledgment of legal mail to the inmate, if the inmate refuses to sign acknowledgment, another staff member will note "inmate refused to sign" on the Legal Mail Delivery Form and sign as a witness. The Legal/Privileged mail will then be opened in the presence of the inmate. Mail opened and inspected under these circumstances will not be read or censored but may be rejected in its entirety if it is found to contain contraband.
2. There will be no records kept of the contents of the incoming or outgoing privileged correspondence. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence. All incoming privileged mail should be in official letterhead envelopes and

should be clearly identified as "Privileged Correspondence". Media mail should be clearly marked "Media Mail".

3. Each Unit should schedule a "Privileged Mail Call" for outgoing mail once a day, Monday through Friday excluding holidays.
4. During "Privileged Mail Call," all correspondence will be checked for contraband by two staff members, (i.e., Sergeant and Shift Captain or Lieutenant), and sealed in the presence of the inmate. Both the Sergeant and the Captain or Lieutenant will sign the back of the envelope.
5. Once the Sergeant and Shift Captain or Lieutenant have signed the back of the envelope(s), outbound privileged mail will be deposited in the authorized Privileged Mailbox to be picked up by mailroom personnel.
6. Any mail marked "Legal or Privileged Mail" that has not been processed in accordance with paragraphs 3 and 4 above will be given to the Shift Captain or Lieutenant by the Mailroom staff. The Captain or Lieutenant will return the mail to the inmate(s) to be opened in his/her presence to ensure contraband is not present.
7. Units having x-ray machines will scan all incoming and outgoing privileged correspondence for contraband. For example, loose powder can be detected if the letter is stood on end and "bumped" causing the powder to collect in the corner of the envelope's seal/flap. In addition, tablets and capsules can be detected during the scanning process. After x-raying, mailroom staff will initial the envelope.

Additionally, mailroom staff must also lay envelopes on a flat surface and run their hands over them to feel for possible contraband.

8. Inmates in Restrictive Housing or Punitive will have his/her outbound privileged correspondence checked at their cells in accordance with paragraphs 3 and 4.

#### D. General Correspondence

- 
1. Correspondence, other than privileged or Interstate/inter-unit correspondence, shall be considered general correspondence. Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding. There will be no limitation placed on the number of letters mailed or received; however, each item of inbound correspondence is limited to three sheets of 8 ½ x 11-inch paper or smaller along with one side of an envelope which will be photocopied and delivered to the inmate. All general correspondence, both incoming and outgoing, may be opened, inspected, read and records may be kept of all incoming and outgoing general correspondence.
  2. The full name under which the inmate was committed, and the ADC number of the inmate shall be shown on the upper left-hand corner of the envelope on any outgoing mail and bottom right of incoming mail. Any violation of the rules and regulations which also constitutes a violation of Federal Postal Laws shall be reported to the Federal Postal authorities or appropriate personnel responsible for the processing and inspection of such mail.
  3. Inmates in punitive housing will be allowed to send and receive general correspondence and privileged correspondence on the same basis as inmates in the general population.
  4. Limitations on the pages of general correspondence to be photocopied shall not apply to the following facilities: Benton Work Release Center, Northwest Arkansas Work Release Center, Mississippi County Work Release Center, Texarkana Work Release Center, Pine Bluff Reentry Center, and the Tucker Reentry Center.

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5. The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists. The page limit and copying of general correspondence is to restrict the flow of contraband arriving by paper sent into the ADC facilities.
6. The ADC will not accept postage due mail or packages.
7. All letters will be written in the English language unless there is approval by the Warden/Center Supervisor to do otherwise. All entries will be made in the inmates' electronic file.
8. Violators of correspondence regulations will be subject to disciplinary action.

#### **E. Interstate/Inter-Unit Correspondence between Incarcerated Individuals**

Interstate and Inter-unit correspondence is mail between all individuals who are incarcerated either within the ADC or another facility. Interstate, and Inter-Unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family. It will be subject to the usual rules under general correspondence including the page limit for photocopying. Inter-unit correspondence must have the approval of both the sending and receiving Warden/Center Supervisor. In the case of Interstate correspondence where the out of state facility does not take a position, only the Arkansas Warden/Center Supervisor must approve. For the purposes of this provision VERIFIED "immediate family" is defined as the inmate's father, mother, sisters, brothers, spouse, children, grandchildren, and any other person whose relationship with the inmate has been verified as that of a parent/guardian such as mother-in-law, father-in-law, grandparents, aunts, or uncles, or whose relationship with the inmate has been verified as that of a child/ward such as a foster child, son-in-law, daughter-in-law, niece, or nephew. This list of immediate family members includes stepfamily members and half siblings.

#### **V. ATTACHMENT:**

- Attachment #1- Inmate Correspondence Form
- Attachment #2- Return Mail Notice
- Attachment # 3- Legal Mail Delivery Form

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [Leslie Browning \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Roy A. Hoggard II v. ADC, Claim Nos. 210188 and 220385  
**Date:** Monday, July 25, 2022 2:50:00 PM  
**Attachments:** [Roy A. Hoggard II v. ADC .pdf](#)  
[Roy A. Hoggard II-order.pdf](#)

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Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

**ARKANSAS STATE CLAIMS COMMISSION**

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

July 25, 2022

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Roy A. Hoggard II v. Arkansas Division of Correction***  
Claim Nos. 210188 and 220385

---

Dear Mr. Hoggard and Mr. Burns:

Enclosed please find an Order entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,  
Mika Tucker

ES: msscott

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 210188

CLAIM NO. 220385

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion for protective order filed by the Arkansas Division of Correction (the “Respondent”) in Claim No. 210188, as well as a motion to compel filed by Roy A. Hoggard (the “Claimant”) in Claim No. 210188. Also pending is a motion to dismiss filed by Respondent to dismiss Claim No. 220385 of Claimant. Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

**Claim No. 210188**

1. Claimant filed Claim No. 210188 on August 7, 2020, seeking \$9,500.00 in damages related to Respondent’s actions following Claimant’s medical procedure.
2. Respondent filed a motion to dismiss, which was denied by the Claims Commission on June 10, 2021. As part of that order denying the motion to dismiss, the parties were instructed to begin discovery.
3. On August 31, 2021, Respondent filed a motion for protective order related to discovery requests sent by Claimant. The motion was denied by the Claims Commission in its March 11, 2022, order based upon lack of specifics in Respondent’s motion.

4. Claimant sent Respondent new discovery requests after the Claims Commission's March 11, 2002, order. Respondent filed the instant motion for protective order related to those discovery requests.

5. Respondent argues, *inter alia*, that Claimant's interrogatories and requests for production are directed at Respondent's employees who have qualified immunity. Respondent requests that the Claims Commission require Claimant to remove duplicative questions, immaterial inquiries and limit the scope of discovery.

6. On April 25, 2022, Claimant filed a motion to compel. Claimant argues, *inter alia*, that Respondent has failed to respond to his interrogatories and requests for production he served on March 16, 2022.

7. The Claims Commission finds that Respondent's motion for protective order does not include a statement that it has in good faith conferred or attempted to confer with Claimant in an effort to resolve the dispute without action from the Claims Commission. The Claims Commission finds that such a statement is a requirement under Ark. R. Civ. Proc. 26(c). As such, the Claims Commission DENIES Respondent's motion for protective order.

8. The Claims Commission finds that Claimant's motion to compel does not include a statement that he has in good faith conferred or attempted to confer with Respondent in an effort to secure the information or documents. The Claims Commission finds that this requirement is mandatory under Ark. R. Civ. Proc. 37(a)(2). As such, Claimant's motion to compel is DENIED.

9. The Claims Commission advises the parties to notify the Claims Commission when discovery is nearing completion so that this matter may be added to the hearing schedule.

Claim No. 220385

10. Claimant filed Claim No. 2220385 on September 27, 2021, seeking \$4,000.00 in damages. Claimant alleges that Respondent violated its policy when it gave him photocopies of photos he ordered and destroyed the photos.

11. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that Claimant did not suffer damages.

12. Claimant responded to the motion to dismiss, arguing, *inter alia*, that dismissal was not proper.

13. In reviewing Respondent's motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at \*6, 380 S.W.3d 377, 382 (2011). The facts alleged in the complaint will be treated as true, but not "a plaintiff's theories, speculation, or statutory interpretation." *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

14. The Claims Commission elects to exclude the evidence attached to Respondent's motion for purposes of considering this motion to dismiss. *See Ark. R. Civ. P. 12(b)*. This exclusion relates only to this motion to dismiss. Respondent is free to use these documents as permitted by all applicable rules of practice and procedure and to file a motion for summary judgment once discovery is completed.

15. The Claims Commission finds that dismissal of Claimant's claim is premature.

16. Respondent's motion to dismiss Claim No. 2220385 is DENIED, and the parties are instructed to conduct discovery.

17. Also pending is Claimant's motion for preliminary injunction. Claimant requests that the Claims Commission enjoin certain persons from retaliating against Claimant. The Claims Commission notes that it has no authority to order injunctive relief. Therefore, Claimant's motion for preliminary injunction is denied.

IT IS SO ORDERED.




---

ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird  
 Dexter Booth  
 Henry Kinslow, Co-Chair  
 Paul Morris, Co-Chair  
 Sylvester Smith

DATE: July 25, 2022

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

Arkansas  
State Claims Commission

SEP 07 2022

To: Ms. Kathryn Irby, Director

Date: September 7, 2022

From: Mr. Ray Haggard II

ADC: 

RECEIVED

Re: Claim No. 210188 and 220385

Dear Ms. Irby,

Please find enclosed two (2) copies of my Good Faith Letter to Mr. Thomas Burns, Chief Legal Counsel for the Respondent. Please return a File-Marked copy to me as soon as possible.

I would like to also mention that I did receive the last file-marked copies dated 8/18/22. Thank you very much.

Next is concerning my Claim No. 220385. As I stated when I submitted my motion for a Preliminary Injunction on 6/24/22, I was unable to make any copies and I therefore had to submit my only original documents.

Since the Claims Commission was unable to grant said injunction can you please send me my original documents from just my preliminary injunction back to me, or at least just the yellow Major Disciplinary itself. Thank you for your time in this matter.

Sincerely,  
Ray Haggard II

To: Mr. Thomas Burns, Chief Legal Counsel (ADC)

Date: September 2, 2022

From: Mr. Roy A. Haggard II

ADC: [REDACTED]

Arkansas  
State Claims Commission

SEP 07 2022

RECEIVED

Re: Claim No. 210188

Dear Mr. Burns,

This is Mr. Roy A. Haggard II, and I am writing this letter as a good faith effort to resolve this ongoing issue of you not responding proper to my discovery requests.

I have sent Interrogatories and requests for Production, but as of yet you have not saw fit to produce the necessary documents that I need to Marshall the facts and litigate this claim.

I am attempting to resolve this matter without having the Claims Commission intervene, but its been three separate attempts to obtain these documents and the documents I am requesting pose no security risk to the institution. Therefore, there should be no reason why I am being denied the ability to discover the facts I desperately need to move forward with this claim.

You are violating the rules of discovery and I respectfully ask that you produce the material that I have requested several times already.

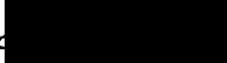
Thank you for your time and again, I state this letter is a good faith effort to resolve this lack of participation on behalf of the Respondent, which is hindering the Claimant's discovery effort. I seek to resolve this matter by simply receiving your cooperation.

Executed at Marianna, Arkansas on September 2, 2022.

Respectfully Submitted,

Roy Hoggard 

Mr. Roy A. Hoggard II

ADC 

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

ROY A. HOGGARD II (ADC [REDACTED])

SEP 26 2022

CLAIMANT

No. 220385

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ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

MOTION FOR SUMMARY JUDGMENT

Comes Now the Claimant, Mr. Roy A. Hoggard II, for his Motion for Summary Judgment, states;

1. The Claimant, Roy A. Hoggard II, filed Claim No. 220385 on September 22, 2021, file-marked September 27, 2021, seeking \$4,000.00 in damages because the Claimant alleged that the Respondent violated its policy and procedure when it gave him photocopies of photo images he ordered and then destroyed the original paid for images.
2. Now in reviewing the Claimant's complaint, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. See *Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed.
3. This complaint before the Claims Commission contains short and plain statements of the claim showing that the Claimant is entitled to relief, and because this complaint states facts, the complaint satisfies the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v. Weiss*, 2010 Ark. 150. Therefore this Claims

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U.S. DEPARTMENT OF JUSTICE

SEP 18 1964

RECEIVED

Commission must accept as true all factual allegations within the Claimant's complaint.

4. This complaint has plead enough facts to state a claim to relief that is plausible on its face because a claim has factual plausibility when the Claimant pleads factual content that will allow this Claims Commission to draw the reasonable inference that the Respondent is liable for the misconduct alleged. The plausibility standard is not akin to a "probability requirement." Thus the Claimant does not have to show that the misconduct alleged will happen but simply that it could happen, which the Claimant has more than done.

5. Now See Exhibits AA, BB, CC, and DD, the scheduled inmate receipts and the Branlettes' invoice respectfully, these exhibits show that the Claimant had funds removed from his account and sent to this recognized commercial outlet in order to purchase and paid for Publicated Images. That is why on exhibit DD, the Respondent's motion to dismiss, page 4, point #16, the Respondent states, and I quote, "The photo's that the inmate complains about are considered Publications pursuant to AD 2020-04." end quote, (See Exhibits AA, BB, CC, DD and JJ)

6. The reason this is an important point is because the images in question that are the basis of the Claimant's Claim are deemed Publications by all parties involved and are not subject to the rules of General Correspondence, but instead are bound by



regulations outlined in AD 2020-04 as stated by the Respondent.

7. AD 2020-04 states, "Inmates may receive publications only from recognized commercial, religious or charitable outlets." AD 2020-04 goes on to define publications as, "A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text." The photos the Claimant ordered from the Branlettes and CNA and Freebird publishers Companies fall within the, "Any type of image." category. AD 2020-04 goes on to define a commercial outlet as, "A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials." The Branlettes, CNA, and Freebird publishers Companies sale and distributes printed materials in the form of Non-Nude images of women. Thus clearly fall within the category of a commercial outlet. (See Exhibit EE, AD 2020-04)

8. At this point there is no doubt that when the Respondent who now admits that the images in question are Publications (See Exhibit DD), first categorized the Purchases as general correspondence and treated them as personal photographs by photocopying the Claimant's Purchases and then destroying the originals the Respondent not only violated its own policy and procedures but the Respondent also caused the Claimant harm by denying the Claimant his legitimate Approved Purchases in there original state, then compounded this by destroying paid for, approved publications. (See Exhibits FF and GG).

The image shows a large, empty table with a grid of horizontal and vertical lines. The table is oriented vertically and occupies most of the page. It consists of approximately 20 columns and 20 rows, creating a grid of small rectangular cells. The lines are thin and black, and the background is white. The table is currently empty of any data or text.

9. The Respondent's initial classification of the Claimant's obvious publicated purchases as personal photographs and thus subjected to rules of general correspondence was irresponsible because according to AD 20-08 a Personal photograph is defined as, "A photograph intended for individual viewing, as apposed to a commercially produced photograph that is Published and sold to the public. (See Exhibit HH).
10. Therefore, when the Claimant's Published images arrived in the Respondent's care along with there invoices which represented a receipt of sale there should have been no question which policy was to be followed, what procedures were to be taken and how those items were to be handled. The Respondent violated its policy, neglected its duties and in the process destroyed the Claimant's possessions, thus causing clear and obvious harm. The facts combined with the submitted evidence speaks for itself and there is no question as to whether a violation against the Claimant was committed, nor is there any question that the Respondent is liable for said violation that was without doubt the source of the Claimant's complaint.
11. In conclusion to address the continual false accusations from the Respondent that the photos in question the Claimant submitted as exhibits are considered either sexually explicit material or considered Nudity in nature. The Respondent even submitted proof in favor of the Claimant by a copy of AD 20-04 page 2, where it clearly defines Sexually Explicit
- 4 of 15



as, "A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, ..." and defines Nudity as, "A depiction in which genitalia, buttock(s) or female breasts are fully exposed." Which it is clear that not one of the photos in question even come close to the definition of Sexually Explicit or Nudity and in the Webster's dictionary a G-String pair of panties or a string Bikini covers so that by definition the buttocks are considered not fully exposed. (See Exhibit I.I. AD 20-04 page 2).

WHEREFORE, the Claimant, Mr. Roy A. Haggard II, prays that this honorable Claims Commission grants the Claimant's Motion, and/or schedule a hearing, return a decision in the Claimant's favor and award all requested damages along with any and all other relief that is just and proper.

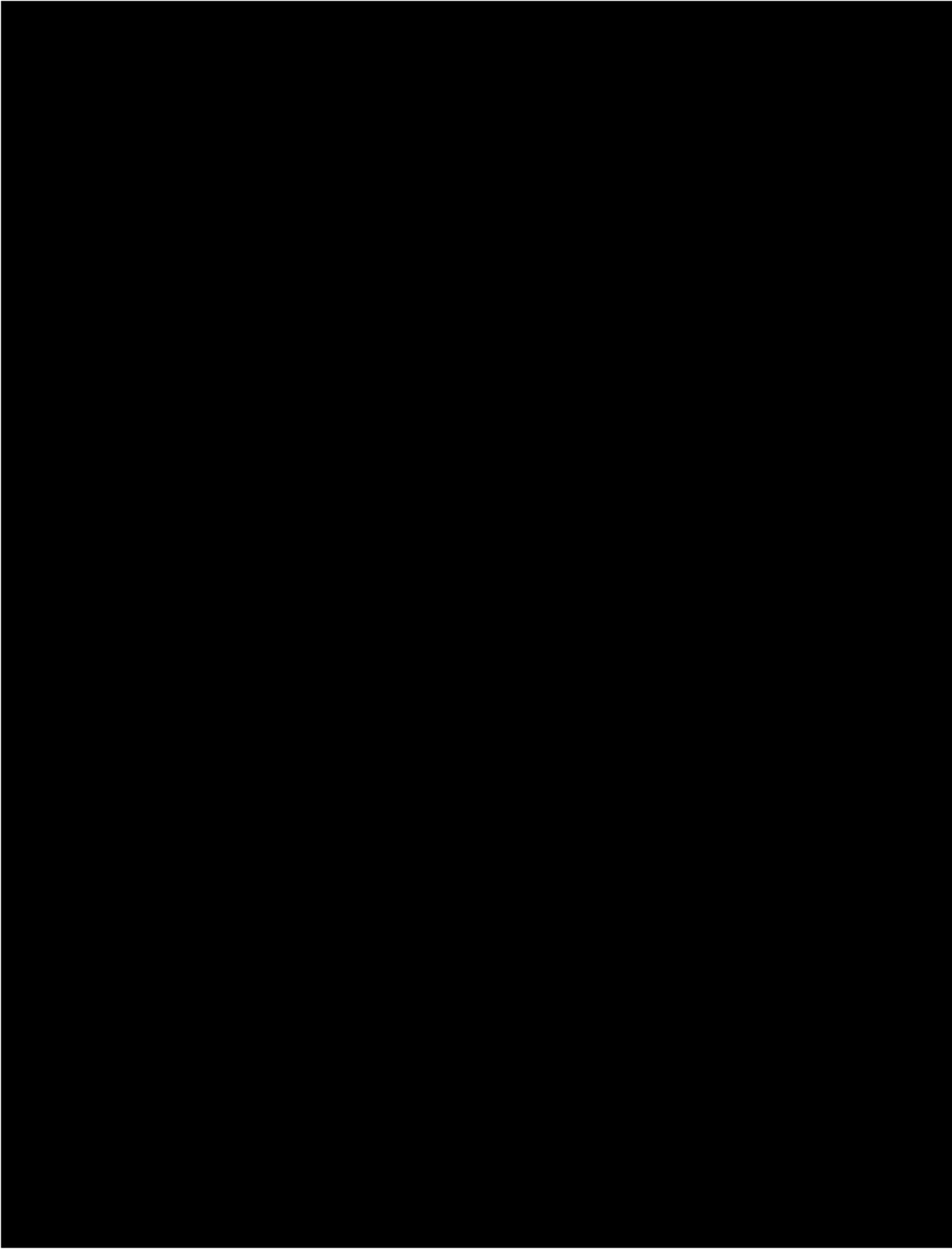
### Certificate of Service

I certify that a copy of this pleading has been served this 21st day of September 2022, on the Respondent by placing a copy of the same in the U.S. mail, regular postage to;

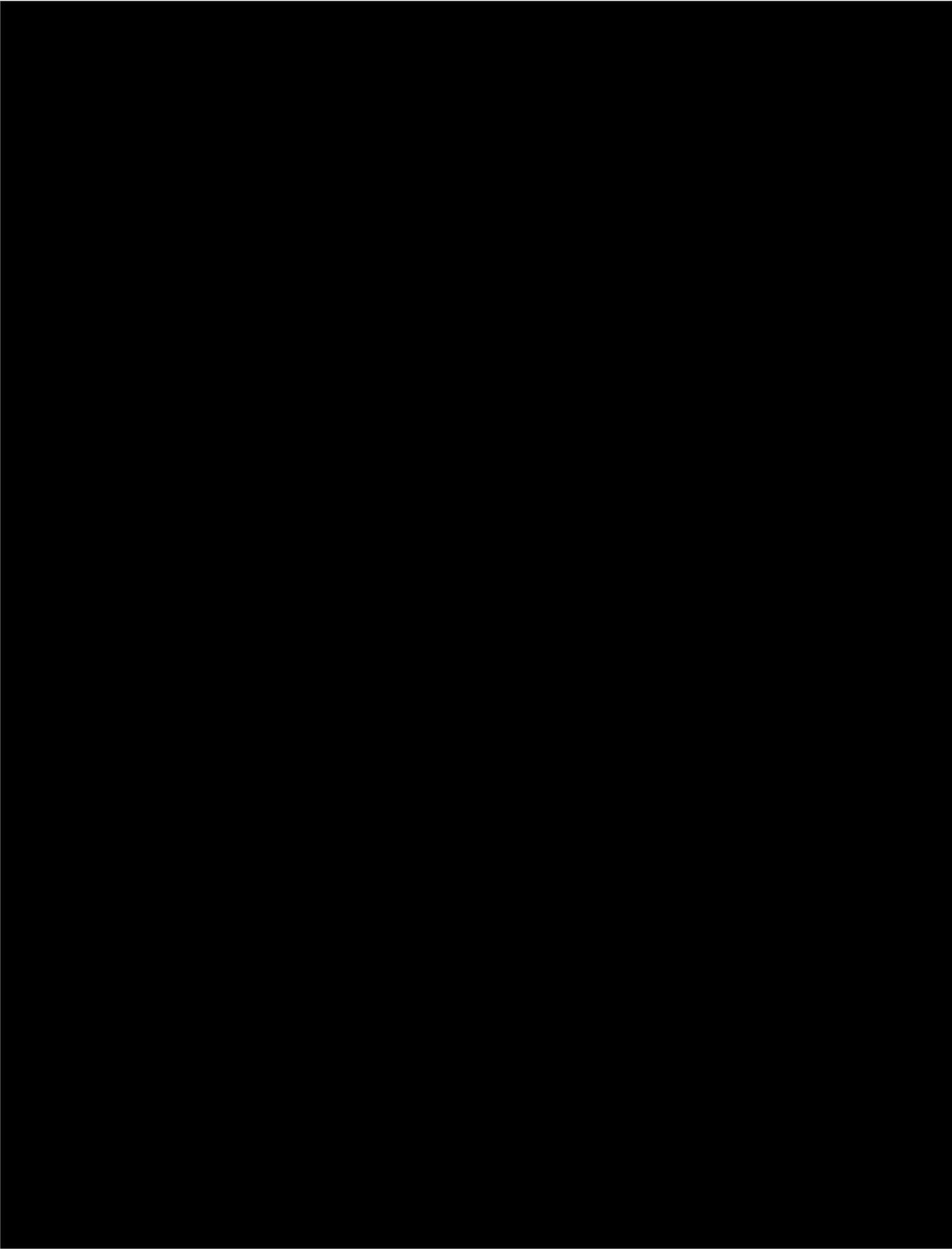
Thomas Bucos (02006)  
Department of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
Roy Haggard II  
Mr. Roy A. Haggard II

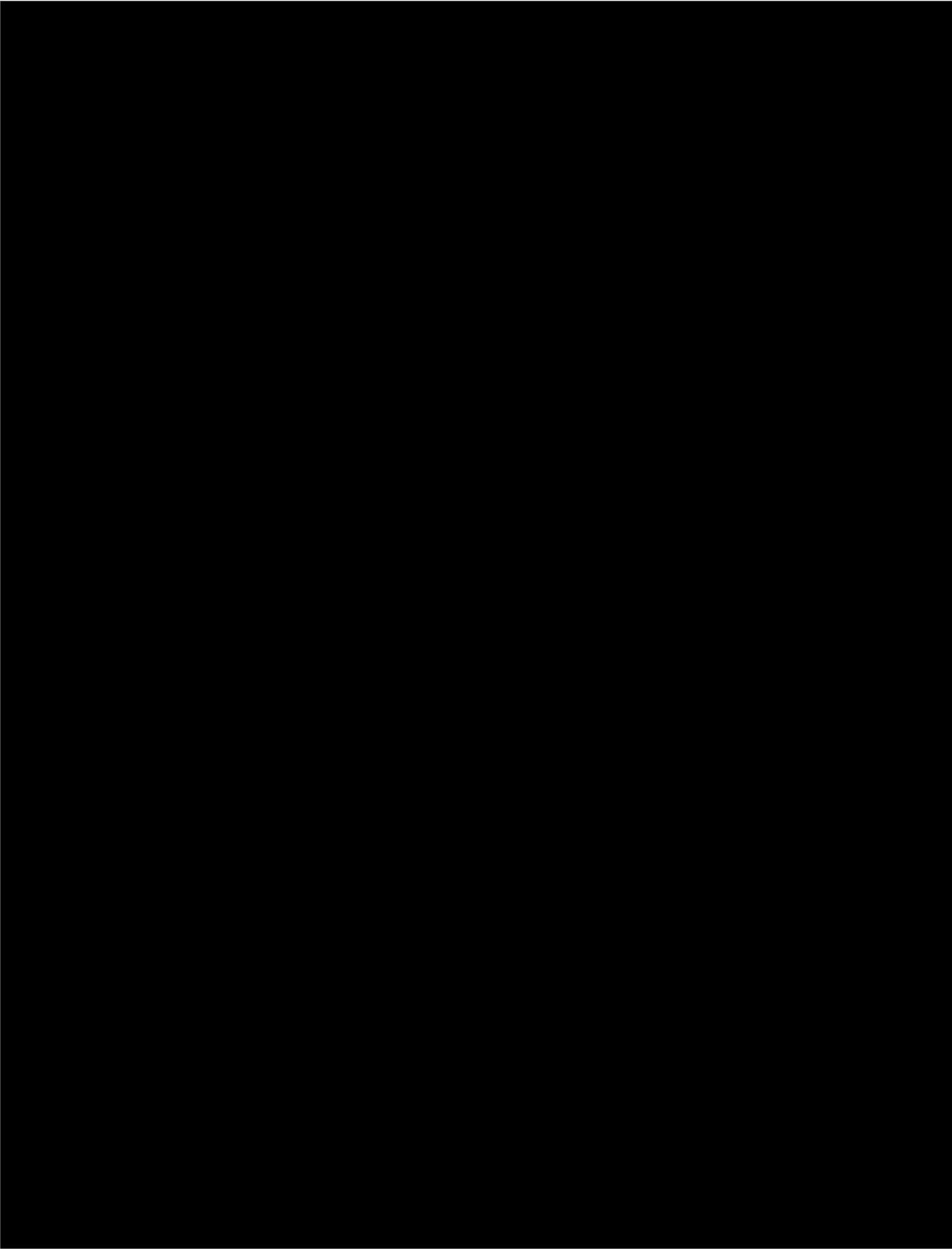








108





"Exhibit DD"

complaint must be sufficient to nudge the claims across the line from conceivable to plausible. *Id.* at 570. "[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’" *Iqbal*, 556 U.S. at 679 (quoting *Fed.R.Civ.P.* 8(a)(2)).

11. The Plausibility standard is not akin to a "probability requirement" but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are "merely consistent with" a defendant's liability, it" stops short of the line between possibility a plausibility of entitlement to relief" *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

12. The inmate is currently housed at the [REDACTED] the ADC. He is serving a 35-year sentence on a conviction of rape and other crimes.

13. The inmate claims that the ADC has violated policy and wrongfully destroyed his photographs.

14. The inmate states in his complaint that the ADC destroyed originals and only gave him photocopies.

→ 15. "The pursuant to AD 2021-01 all correspondence will be copied and the original destroyed immediately. *See attached Ex A*

0 → 16. The photos that the inmate complains about are considered publications pursuant to AD 2020-04. *See attached Ex B* the inmate claims AD 2017-17 but that was replaced by 2020-04.

→ 17. Actually how the inmate got the photos he has attached to the complaint is unknown but are contraband as they sexually explicit material. It was reported to security and should have been confiscated by now.



"Exhibit JJ"

Branlettes  
P.O.Box 5765  
BALTIMORE, MD 21282

# Invoice

Date	Invoice #
5/9/2021	8129

**PAID**  
05/09/2021

Bill To  
Roy Hoggard  
[Redacted]

Ship To  
Roy Hoggard  
[Redacted]

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			5/9/2021	US Mail		

Quantity	Item Code	Description	Price Each	Amount
10	Photo Selection		0.45	4.50
1	Catalog	BWAL2	0.00	0.00
2	S&H	5/5	1.00	2.00

It's been a pleasure working with you!			<b>Total</b>	\$6.50
--	--	--	--------------	--------

10 of 15



"Exhibit EE"



6814 Princeton Pike  
Pine Bluff, AR 71602  
Phone: 870-267-6200  
Fax: 870-267-6244  
www.adc.arkansas.gov

DIVISION OF  
CORRECTION

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 20-04

**SUPERSEDES:** 17-17

**APPLICABILITY:** Division Staff and Inmates

**REFERENCE:** AR-864-Publications  
AD-Inmate Correspondence  
AD-Inmate Property Control  
AD-Inmate Grievance Procedure

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Dexter Payne

**EFFECTIVE DATE:** 4/10/2020

**I. POLICY:**

→ Inmates may receive publications only from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with rehabilitative goals.

**II. PURPOSE:**

This Administrative Directive establishes the process by which the Division of Correction determines which publications may be received by the inmate population.

**III. DEFINITIONS:**

→ (A) Publication: A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text. The term publication does not include a personal letter.

→ (B) Commercial Outlet: A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

11 of 15



"Exhibit FF"

### Inmate Request Form

This form is to be used by inmates to contact staff with request on issues they may have. You should allow five working days to receive a response to your request. This is the East Arkansas Regional Unit in house form.

Name: <u>Haggard, Roy II</u>	ADC Num: <span style="background-color: black; color: black;">[REDACTED]</span>	Barracks: <u>Max 212</u>	Date: <u>5/10/2021</u>
------------------------------	---	--------------------------	------------------------

Staff Directed to: <u>Ms. Southern</u>	Office: <u>Mail Room Supervisor</u>
--	-------------------------------------

My request is directed to the following area: (check one)

- |  |   |   |   |
|--|---|---|---|
| Chaplain <input type="checkbox"/>      | Classification <input type="checkbox"/> | Commissary <input type="checkbox"/>           | Assistant/ Deputy Warden <input type="checkbox"/> |
| Issuance <input type="checkbox"/>      | Food Service <input type="checkbox"/>   | Hobby Craft <input type="checkbox"/>          | General Library <input type="checkbox"/>          |
| Law Library <input type="checkbox"/>   | Laundry <input type="checkbox"/>        | Mail Room <input checked="" type="checkbox"/> | Medical <input type="checkbox"/>                  |
| Mental Health <input type="checkbox"/> | Parole <input type="checkbox"/>         | Property <input type="checkbox"/>             | Records <input type="checkbox"/>                  |
| Security <input type="checkbox"/>      | Visitation <input type="checkbox"/>     | Warden <input type="checkbox"/>               | Other: _____ <input type="checkbox"/>             |

Give a detailed reason for your request: Weekend security in the Mail Room "Violated" AD 17-17 Publications by Photo Copying my 2 seperate Photograph orders, along with voiding the order form by photocopying it, along with all of my non nude, Non Personal Photographs. Per AD 17-17 my approved non nude 4X6 purchased photos are to be delivered to me in there full color original state not photocopied, I am submitting a grievance if my photo's are not delivered to me or the money placed back in my books.

Have you talked to any staff about your request? Yes  No

If yes, to whom did you speak with and when? Ms. Southern Several Dates

Roy Haggard II  
 Inmate Signature Date 5/10/2021

Staff Responding:	Date:
-------------------	-------

Response:  
per my Publication is picture - it general correspondence

I am referring this to: \_\_\_\_\_

Cc: \_\_\_\_\_

A. South 5/11/21  
 Staff Signature Date



"Exhibit GG"

IGTT430  
3GD

Attachment VI

INMATE NAME: Hoggard, Roy A. II

ADC #: [REDACTED]

GRIEVANCE# [REDACTED] M21-01151

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

On 5/25/2021, you stated the following complaint: Ms. Southern, Mailroom Supervisor is still violating the Publication AD 17-17, by photocopying my Pre-approval or photograph orders of on-Nude Public domain photos from Publication companies along with the invoices and order forms shipped with my orders/ She is claiming that photos all images are "General Correspondence" when AD 17-17 page I see 111. Definitions, sub see A publication states " A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical newsletter, or any type of image or text. The term publication does not include a personal letter." Ms. Southern is in clear violation of AD Policy and procedure. Therefore, my Pre-approved Non-Nude Public Domain Purchased Photograph need to be delivered to me in there originals color 4x6 state or the amount of \$6.00 ( six dollars and no/100) to be placed back on my inmate account for Pre-Approved Non-Nude Public Domain Photograph Order from the Publisher Branlettes Beauties out of MD being destroyed when they arrived in the mailroom. Plus Ms.Southern and all mailroom personnel need to be informed not to photocopy photograph ordered form the Publisher companies immediately so no paid order are destroyed by the mailroom personnel.

The Warden responded to your grievance on 6/25/2021, by stating the following: Ms. Southern, Mailroom Supervisor, states that all photos from any brochures will be copy. The photos does not fall under the publication rule. Therefore, I find your grievance without merit.

Your appeal was received on 7/6/2021. After review of your appeal and supporting documentation, I Concur with the Warden's response of no merit.

Appeal denied

[Signature]

Director

7/11/21  
Date

↑ ↑

13 of 15 | |



"Exhibit HH"

2. Issuing staff must complete a Property Addition Form 841-3, which must be scanned into eOMIS upon completion immediately.
3. Any property found in the possession of an inmate, which is not listed on either Form F-841-1 or Form F-841-3 will be considered contraband.
4. The deletion of an item(s) from an inmate's personal property form must be made by the UPCO or designee.
5. The distribution of F-841-1 forms associated with this document will be as follows:  
Original - Institutional File Legible Copy - Inmate.

#### G. SPECIAL ITEMS OF PERSONAL PROPERTY

1. ADC is not responsible for sentimental value of any item.
2. Watch, Ring, & Religious Medal: An inmate may have one watch, one ring, and one religious medal or emblem. These items shall not have a value over \$50 each and liability for loss of said item is limited to that amount. An exception may be made for the wedding band with a signed waiver of liability by the inmate, F-841-4 which must be scanned into eOMIS after completion. Any jewelry, which is deemed unauthorized during initial commitment will be disposed of as outlined in herein.
3. Religious medal or emblem: must be suspended from the ID card chain and worn inside the uniform shirt and is not to be any larger than 1 and 1/2 inches in length or width and no thicker than 1/8 of an inch. A committee consisting of the UPCO, a ranking Correctional Officer and the Unit Chaplain must approve any questionable medal or emblem. Any religious medal or emblem will be mailed directly from a commercial source with a copy of the invoice included. Any religious medal or emblem, which is deemed unauthorized during initial commitment will be disposed of as outlined herein.

→ 4.

Personal photographs: Inmates are limited to five (5) personal photographs. A personal photograph is defined as a photograph intended for individual viewing, as opposed to a commercially produced photograph that is published and sold to the public. Photographs can be no larger than 8 1/2" x 11" in size. Such photographs may contain either single or multiple digital images/pictures on one (1) side of the page only. When digital images/pictures are cut from an 8 1/2" x 11" sheet, it they will no longer be considered as one. Each digital image/picture cut from that sheet will be counted as one of the five authorized photographs. Digital images and photocopies are considered the same. Prohibited photos are photos which contain one (1) nude or sexually suggestive acts or photographs, or (2) contain subject matter that is disruptive in nature or would threaten security or the good order of the institution. Liability for loss of a photograph is limited to \$2.50 per photograph or per 8 1/2" x 11" size pages regardless of number of photos contained on any one page. Inmates are advised not to retain sole copies of important or sentimental family photographs due to the possibility of damage or loss. Electronic photographs which are transferred to an inmate's MP3 Player will not be subject to the same numerical restrictions as noted above.

14 of 15



C. Charitable Outlet: A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.

D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed.

E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.

F. Security Terrorist Threat Group (STTG): Any group of inmates that the Division of Correction reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose or activities.

#### IV. PROCEDURES:

A. The Warden/Center Supervisor shall designate staff to review incoming publications.

B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting any one or more of the following categories may be rejected:

1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law to include but not limited to;
  - a. Material advocating, or describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of Division facilities;
  - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
  - c. Material advocating or providing instructions on identity theft;
  - d. Material that incites, encourages, advocates, or promotes act of violence such as but not limited to sexual assaults and physical assaults;
3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives or any other weaponry, including realistic



**From:** [Leslie Browning \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Thomas Burns \(DOC\)](#)  
**Subject:** Roy Hoggard 220385  
**Date:** Tuesday, September 27, 2022 3:29:57 PM  
**Attachments:** [RFA to Claimant.pdf](#)  
[Interr to Claimant.pdf](#)

---

Discovery to Claimant

*Leslie Browning*

**Arkansas Division of Correction**  
Central Office/Legal Division  
6814 Princeton Pike  
Pine Bluff, AR 71602  
Legal Support Specialist  
Phone: 870-267-6844  
Email: [leslie.browning@arkansas.gov](mailto:leslie.browning@arkansas.gov)

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD ( [REDACTED] )

CLAIMANT

v

CLAIM NO. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

**FIRST SET OF REQUESTS FOR ADMISSIONS  
TO ROY HOGGARD**

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Roy Hoggard, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 220385.

REQUEST FOR ADMISSION NO. 2: Admit that the publications you ordered with regard to this matter contained sexually explicit material.

REQUEST FOR ADMISSION NO. 3: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 4: Admit that inmates are not allowed to possess sexually explicit material.

REQUEST FOR ADMISSION NO. 5: Admit that you had knowledge of directive AD 17-17 and its restrictions prior to your order for the referenced publications being placed.

Filed 27th September 2022.

Respectfully submitted,



---

Thomas Burns (02006)  
Department of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 27th day of September 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard [REDACTED]  
[REDACTED]



---

Thomas Burns

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD, II (██████████)

CLAIMANT

v

CLAIM NO. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

**FIRST SET OF INTERROGATORIES AND REQUESTS  
FOR PRODUCTION PROPOUNDED TO CLAIMANT**

In accordance with Rules 33 and 34 of the Arkansas Rules of Civil Procedure, Defendant hereby requests the answers and responses to the following Interrogatories and Requests for Production. You are required to serve your answers and responses at the expiration of thirty (30) days from the date upon which you receive a copy of these Interrogatories and Requests for Production.

**INTERROGATORY NO. 1:** Please list all witness you may call in relation to this matter and a synopsis of their expected testimony.

**INTERROGATORY NO. 2:** Please state why monies were paid for publications which are not allowed.

**INTERROGATORY NO. 3:** Please state why you ordered the referenced publications knowing they were not allowed according to AD 17-17.

**INTERROGATORY NO. 4:**

**INTERROGATORY NO. 5:** Please state why you should receive money.

**INTERROGATORY NO. 6:** Please state how you came up with \$4,000.00 in damages

**INTERROGATORY NO. 7:** Please state what your measure of damages is.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:** Please attach a copy of any documents you plan to introduce in any hearing of this matter

Respectfully submitted,



Thomas Burns (02006)  
Division of Correction  
Legal Department  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 27th day of September 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard, II ( [REDACTED] )

[REDACTED]



Thomas Burns

**ARKANSAS STATE CLAIMS COMMISSION**

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

September 28, 2022

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]

RE: ***Roy A. Hoggard II v. Arkansas Department of Correction***  
Claim No. 220385

---

Dear Mr. Hoggard,

Enclosed please find the original copy of your motion for preliminary injunction filed in the above-referenced claim. This enclosure contains the original disciplinary form you requested in your letter dated September 2, 2022. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

cc: Thomas Burns, *counsel for Respondent* (via email w/out enclosures)

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Leslie Browning \(DOC\)](#)  
**Subject:** Roy Hoggard v ADC 220385  
**Date:** Thursday, September 29, 2022 4:41:28 PM  
**Attachments:** [0077\\_001.pdf](#)

---

Motion to Strike and PO

Thomas Burns  
General Counsel  
Arkansas Department of Corrections  
Division of Correction  
6814 Princeton Pike  
Pine Bluff Arkansas 71602  
Phone: (870) 267-6845  
Fax: (870) 267-6373  
Cell: (870) 515-0918  
[thomas.burns@arkansas.gov](mailto:thomas.burns@arkansas.gov)

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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC 1 [REDACTED])

CLAIMANT

v

NO. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

MOTION TO STRIKE PLEADINGS, PROTECTIVE ORDER

Comes now the Respondent, ADC, by and through their attorney, Thomas Burns, and for their Motions, states:

1. The ADC received a cc of a letter to the inmate concerning a motion for preliminary injunction sent to the Claims Commission. *See attached Ex. A*
2. The ADC contacted the clerk in an effort to secure said motion, as the ADC did not have a copy of any such motion.
3. ADC was provided a copy of a slew of pleadings the inmate had filed with the Claims Commission. *See attached Ex B.* None of the pleadings include a certificate of service, these were never sent to the ADC.
4. The inmate has filed pleadings intended to harass and cause the ADC undue fees and costs.
5. The inmate in this matter has not been forthcoming with the Commission or the ADC and is not acting in good faith with the parties involved. The inmate is intentionally not sending pleadings to the ADC in a effort to secure a default.
6. The ADC requests that the inmate's pleadings be stricken as void, ab initio, and that the Inmate's claim be dismissed as the Commission may do as sanction.
7. The Arkansas Rules of Civil Procedure state:

Upon motion made by a party before responding to a pleading . . . the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter.

Ark. R. Civ. P. 12(f).

As the Commission well knows, the Arkansas Rules of Civil Procedure require that:

A party shall state in ordinary and concise language his defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies. If he is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, he shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the averments of the claim, he may make his denials as specific denials of designated averments or paragraphs, or he may generally deny all the averments, except such designated averments or paragraphs as he expressly admits, provided that he may admit any part thereof and deny the remainder. When the pleader intends in good faith to controvert all averments, including averments of the grounds upon which the court's jurisdiction depends, he may do so by general denial subject to the obligations set forth in Rule 11.

8. Arkansas Rule of Civil Procedure 5(3)(c) states:

**All papers after the complaint required to be served upon a party or his attorney** shall be filed with the clerk of the court either before service or within a reasonable time thereafter. The clerk shall note the date and time of filing thereon. However, proposed findings of fact, proposed conclusions of law, trial briefs, proposed jury instructions, and responses thereto may but need not be filed unless ordered by the court. Depositions, interrogatories, requests for production or inspection, and answers and responses thereto shall not be filed unless ordered by the court. When such discovery documents are relevant to a motion, they or the relevant portions thereof shall be submitted with the motion and attached as an exhibit unless such documents have already been filed. The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in the proper form. In counties where the county clerk serves as the ex officio clerk of any division of the circuit court, the filing requirement for any pleading, paper, order, judgment, decree, or notice of appeal shall be satisfied when the document is filed with either the circuit clerk or the county clerk.

9. The Commission should strike the inmate's pleadings in their entirety and dismiss the inmate's complaint.

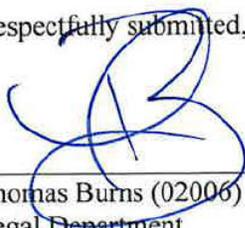
10. Pursuant to Arkansas Rule of Civil Procedure 26(c) the ADC requests that the Commission issue a protective order in regarding the inmates' purported discovery requests and admissions request. The inmates requests are argumentative in nature and do not comply with the Rules for pleadings. Again he is just using this matter to harass the ADC and cost the taxpayers of the State of Arkansas to expend unnecessary funds to defendant his frivolous claims.

11. A protective order is needed to keep from the State expending unnecessary monies and undue harassment. The inmate, by not sending pleadings to the ADC, is seeking to trick someone into a default. These tactics are deplorable and unnecessary.

12. This Commission may impose sanctions upon the inmate for failure to follow the rules. The ADC asks that the inmates pleadings be stricken and the matter dismissed.

WHEREFORE, Respondent prays that the motions be stricken, for a protective order, and sanctions; for their attorney's fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

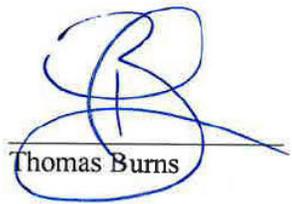


Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 29<sup>th</sup> day of September 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard (ADC [REDACTED])  
[REDACTED]

  
Thomas Burns

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

September 28, 2022

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]

RE: *Roy A. Hoggard II v. Arkansas Department of Correction*  
Claim No. 220385

Dear Mr. Hoggard,

Enclosed please find the original copy of your motion for preliminary injunction filed in the above-referenced claim. This enclosure contains the original disciplinary form you requested in your letter dated September 2, 2022. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

cc: Thomas Burns, *counsel for Respondent* (via email w/out enclosures)

Ex A



Arkansas  
State Claims Commission

JUN 30 2022

RECEIVED

To: Ms. Kathryn Irby, Director

Date: June 24, 2022

From: Mr. Roy A. Hoggard II

ADC:



Re: Claim No. 220385

Dear Ms. Irby,

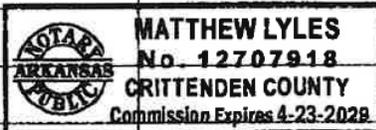
Please find enclosed my Motion for an Preliminary Injunction; Memorandum of points and Declaration to be processed as soon as possible due to the retaliation I am being harassed with and suffering loss and damage over filing my claim with the Commission.

As you will see I was unable or allowed to make copies due to the law library supervisor is the wife of the officer helping to retaliate against me. So I am unable to request a file-marked copy this time.

Please process my Motion as soon as possible please.

Respectfully Submitted,  
*Roy Hoggard II*  
Mr. Roy A. Hoggard II

Seal



Sworn to and subscribed before me at Marianna, Arkansas on this 24 day of June, 2022.  
(Date) (month)

*Matthew Lyles*  
(Notary Public)

My Commission Expires 4 (Month), 23 (Day), 2029 (Year)

Ex B

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC # [REDACTED]) CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MOTION TO SHOW CAUSE FOR AN PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND THE DECLARATION OF CLAIMANT ROY A. HOGGARD II

Upon the complaint, the supporting affidavit of Claimant, and the memorandum of law submitted herewith, it is:

ORDERED that respondents Mr. Thomas Burns, Mr. Gaylon Lay, Ms. April Brandon, Mr. Straughn (Deputy Warden at [REDACTED] Unit), Mr. M. Richardson, Mr. C. Johnson, Mr. Tyrone Allison and Mr. William F. Straughn show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ o'clock, why a preliminary injunction should not issue pursuant to Rule 65(a) of the Federal Rules of Civil Procedure enjoining the respondents, their successors in office, agents and employees and all other persons acting in concert and participation with them, from using Retaliation in the form of fraudulent major disciplinarys for the claimant filing a complaint with the Arkansas State Claims Commission due to the unresolved results of the inmate grievance process, which reduced the Claimant's class status, restriction of the use of phone, the loss of Good Time along with the cancellation of his parole hearing set for August 18, 2022, to deter the claimant from pursuing the claim.

IT IS FURTHER ORDERED that the order to show cause, and all other papers attached to this application, be served on the aforesaid Respondents by

(Judge's Signature)  
\_\_\_\_\_, 2022

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED]) CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MEMORANDUM OF POINTS AND AUTHORITIES

STATEMENT OF FACTS

1. Claimant Roy A. Hoggard II has filed a Motion to show cause for an Preliminary Injunction, which is now being heard by the Commission.
2. The complaint, claim no. 220385, submitted September 22, 2021, file-marked September 27, 2021, is solely based on the EARU mailroom Supervisor, Ms. L. Southern, violating policy and procedure by photocopying the Pre-Approved by Mr. G. Lay, Warden [REDACTED] Non-Nude Publication Public Domain Photos Allowed Per AD 20-04 and received. (See Exhibits of Complaint A, B, C, D, E, F and G)
3. The photographs in question was Pre-Approved by Warden G. Lay to be ordered, purchased and received Per AD 20-04 by the Claimant due to them being Non-Nude Publication Public Domain Photographs.
4. The photocopied photographs that the [REDACTED] Mailroom Supervisor, Ms. Southern photocopied and "Delivered" to the Claimant was Not Nude in any way per the ADC AD 20-04 and Policy and Procedure 16.05.0. Any inmate in the ADC is allowed to order, purchase and to have in their possession, muchless use as Exhibits in claim no. 220385

As the claimant proved the photos are Non-Nude in the Exhibits presented to the Commission, (See Exhibits A, B, C, D, E, F and G)

5. The disciplinary written on the claimant was unlawful and a violation of AD 19-34, due to being used as retaliation for the claimant filing the claim no. 220385, where Sergeant A. Branden falsified and slandered the claimant with fraudulent accusations to punish and deter the claimant from pursuing the claim. (See Exhibit N)

6. This retaliation is a clear violation of AD 19-34 Inmate Grievance Procedure, IV Procedures, section K, Reprisals or Retaliation, subsections 1, 2, 3 and 4, Pg. 17 of 31.

1. No inmate shall suffer any threat or action based on his or her appropriate use of, or participation in, the grievance procedure. If an inmate believes he/she has been retaliated against for the use of the grievance procedure, he/she must contact the Warden/Center Supervisor, the inmate shall contact the appropriate Chief Deputy/Deputy/Assistant Director. Regardless, the inmate must exhaust their remedies through the grievance process.

"This was violated by the Warden and Deputy Director, when the claimant attempted to do as AD Policy instructs, but his attempts was rejected. (See Exhibits Q, R and S)"

2. Any reprisal or retaliation by staff is absolutely prohibited and will be dealt with in accordance with the appropriate policy regarding employee conduct and discipline. All personnel shall receive written

and oral notice that formal and/or informal reprisals will not be tolerated.

" However, as seen by all evidence presented by the Claimant this was violated by Sgt. A. Brandon using the disciplinary action to punish the Claimant for filing a claim upon the grievance procedure, but she was not stopped or disciplined herself for her retaliation. (see Exhibits N, O and P) "

3. Once an inmate initiates the grievance process, the process shall be followed through all stages without interference by administrators or employees of the division. Anytime an inmate voluntarily decides to withdraw a grievance, he or she must submit a Grievance Waiver Form (see Attachment IX). The appropriate staff will verify receipt of the waiver in writing.

4. If reprisal or retaliation is suspected or determined after the unit/center investigation, the grievance shall be forwarded to Internal Affairs for further review with all relevant documentation

" Neither of these policy and procedures was followed for the Claimant, instead he was allowed to be retaliated against, suffered loss and damage, and continues to live in fear of retaliation, "

" Unable to present an actual copy of AD 19-34 to the Commission due to unable to receive a copy of said AD, due to the Law Library Supervisor is none other than the wife of the officer that signed

off approving the disciplinary against the claimant. (see Exhibit N, the C.S.O. Tyrone Allison, Law Library Supervisor is Ms. Allison his wife.)

7. The claimant suffered having his Parole Hearing Deferred, loss of One Hundred fifty (150) days Good Time, Forty-five (45) days loss of Phone, Visitation and Commissary, plus his Class reduced to Class III, all in retaliation for filing a complaint with the Commission, to deter the claimant from pursuing the claim.

### STATEMENT OF LEGAL AUTHORITY

8. For cause shown in the Declaration of Roy A. Hoggard II, attached hereto, and under the authority of Federal Rules of Civil Procedure 65, this court has the power to grant this Motion and Relief.

9. Warden Gaylan Hay and Sergeant April Brandon violated the "attorney-client privilege" and "protected conduct", by Sgt. Brandon not being named in the claimant's claim, not an attorney for the APC, or a lieutenant or above assigned to deliver and open "privileged Mail" such as "Legal Mail" and view the private contents of the Exhibits in the claimant's lawsuit with the Commission as in; *Castillo v. Cook County Mail Room*, 990 F.2d 304 (7th Cir. 1993) *Bieregu v. Reno*, 59 F.3d 1445 (3rd Cir. 1995) and protected by the Federal Rules of Civil Procedure.

Then wrote a disciplinary on the claimant out of retaliation (causal connection) which caused the claimant to suffer great loss

and continue to suffer loss and damage.

10. The Claimant has already suffered from this retaliation and if the illegal, wrongful, falsified, slanderous disciplinary is not reversed and removed from the Claimant's institutional jacket the Claimant will suffer further loss, damage and irreparable injury.

11. The Claimant is being retaliated against in very similar situations as *Gomez v. Vernon*, 255 F.3d 1118 (9th Cir. 2001), where documentations (Exhibits) from the Claimant's claim has been reviewed by correctional officers that does not have the authorization to do so nor the permission of the Claimant. Then the documents are used to punish the Claimant as retaliation for filing his claim with the Commission and sabotage the Claimant's claim.

12. On June 23, 2022, the Claimant received a Motion to Dismiss from Mr. Thomas Burns, Attorney for the ADC, while the Claimant is preparing this motion, which on #17 of the motion to dismiss it can be seen where Burns is continuing to threaten the Claimant and have the Claimant harassed by security by Burns making false reports to get the Claimant in trouble and harassed.

13. In a "campaign of harassment" as the Claimant has been presenting to the Commission, how the [REDACTED] mailroom supervisor, Ms. Southern has been holding his "legal Mail" for extended periods of time before she delivers it to him, by presenting the envelope faces showing proof such as on June 8, 2022, when the Claimant presented another legal envelope

showing where the mailroom held it for twenty-six (26) days before delivering it to the Claimant. The Claimant can receive a personal letter or magazines from states away in four (4) days or less.

However, legal mail being received from the Commission in Little Rock, Arkansas or Thomas Burns in Pine Bluff, Arkansas in the same state only miles away from the unit, Southern is holding for twenty-plus (20+) days then ink stamp them as if they just arrived.

The envelope being presented this time can be seen is post marked May 31, 2022, but Southern ink stamped it taking twenty-three (23) days to arrive from Pine Bluff, Arkansas just minutes from the unit. (See Exhibit V)

"I challenge the Commission to prove this is a fact and Not mere accusations by simply sending Any letter, memo, etc. and place a tracking number on the letter to prove when the letter actually arrives at the unit, and I will send the face of the envelope back to the Commission proving how it will be held for no less than twenty days before being stamped received and delivered, even though the tracking number will show and prove the letter, etc. will have arrived weeks earlier."

14. The "adverse action" committed is that Deputy Warden M. Richardson was present in the Director's Review conducted on December 29, 2021, when the Director assured the Claimant that upon his parole hearing to be held on August 18, 2022, the Director was going to make since the Parole Board Members approved the Claimant's parole and knew what it meant to the Claimant after being incarcerated for over twenty-

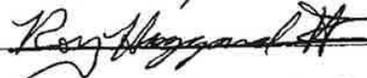
two years straight in the ADC. Therefore Richardson fully knew what the Claimant was losing over being retaliated against for pursuing the claim no. 220385 with the Commission.

## CONCLUSION

15. For the reasons and based on the law set forth above, the Claimant sincerely prays that the Commission will not only grant the Motion for an Preliminary Injunction, but order the ADC [REDACTED] Warden Gaylen Lay on or through Mr. Thomas Burns, attorney for the ADC, to reverse the sanctions of the wrongful and illegal disciplinary, restore the Claimant's status of Class I, return the lost Good Time and lift the restrictions set immediately. To cease and desist the Retaliation against the Claimant per Law.

I declare under penalty of perjury that the foregoing is true and correct, Executed at Marianna, Arkansas on June 24, 2022.

Respectfully Submitted,



Mr. Roy A. Haggard II

(ADC [REDACTED])

Arkansas  
State Claims Commission

JUN 30 2022

RECEIVED

To: Ms. Kathryn Irby, Director

Date: June 24, 2022

From: Mr. Roy A. Hoggard II

ADC: [Redacted]

Re: Claim No. 220385

Dear Ms. Irby,

Please find enclosed my Motion for an Preliminary Injunction; Memorandum of points and Declaration to be processed as soon as possible due to the retaliation I am being harassed with and suffering loss and damage over filing my claim with the Commission.

As you will see I was unable or allowed to make copies due to the law library supervisor is the wife of the officer helping to retaliate against me. So I am unable to request a file-marked copy this time.

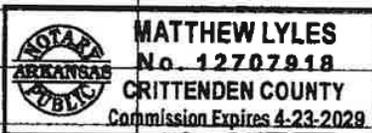
Please process my Motion as soon as possible please.

Respectfully Submitted,

*Roy A. Hoggard II*

Mr. Roy A. Hoggard II

Seal



SWORN to and subscribed before me at Marianna, Arkansas on this 24 day of June, 2022.  
(Date) (month)

*Matthew Lyles*  
(Notary Public)

My Commission Expires 4 (month), 23 (Day), 2029 (Year)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED]) CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MOTION TO SHOW CAUSE FOR AN PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND THE DECLARATION OF CLAIMANT ROY A. HOGGARD II

Upon the complaint, the supporting affidavit of Claimant, and the memorandum of law submitted herewith, it is:

ORDERED that respondents Mr. Thomas Burns, Mr. Gaylon Lay, Ms. April Brandon, Mr. Straughn (Deputy Warden at [REDACTED] Unit), Mr. M. Richardson, Mr. C. Johnson, Mr. Tyrone Allison and Mr. William F. Straughn show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at

\_\_\_\_\_ o'clock, why a preliminary injunction should not issue pursuant to Rule 65(a) of the Federal Rules of Civil Procedure enjoining the respondents, their successors in office, agents and employees and all other persons acting in concert and participation with them, from using Retaliation in the form of fraudulent major disciplinarys for the claimant filing a complaint with the Arkansas State Claims Commission due to the unresolved results of the inmate grievance process, which reduced the claimant's class status, restriction of the use of phone, the loss of Good Time along with the cancellation of his parole hearing set for August 18, 2022, to deter the claimant from pursuing the claim.

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(Judge's Signature)

\_\_\_\_\_, 2022

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED])

CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

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## CONCLUSION

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I declare under penalty of perjury that the foregoing is true and correct, Executed at Marianna, Arkansas on June 24, 2022.

Respectfully Submitted,

*Roy A. Haggard II*

Mr. Roy A. Haggard II

(ADC [REDACTED])

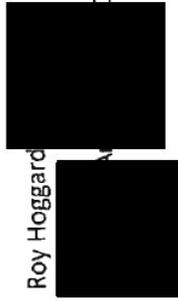
"Exhibit V"

LEGAL DIVISION  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602



X2-12

Roy Hoggard



Legal Mail

US POSTAGE



RECEIVED  
MAIL ROOM

05/23/2023



8 of 8

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC # [REDACTED]) CLAIMANT

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

DECLARATION OF ROY A. HOGGARD II

I, Mr. Roy A. Hoggard II, declare under penalty of perjury:

1. I am the Claimant in the case of Roy A. Hoggard II v. Arkansas Department of Corrections (claim no. 220385) currently pending in the Arkansas State Claims Commission. (Commission)
2. On September 22, 2021, the claimant filed a formal complaint with the Commission, solely based on the EARU mailroom supervisor, Ms. L. Southern, violating policy and procedures by photocopying the Pre-Approved by Mr. G. Kay, Warden [REDACTED] Non-Nude Publication Public Domain Photos Allowed Per AD 20-04 and received, (See Exhibits of Complaint A, B, C, D, E, F and G.)
3. On May 13, 2022, the claimant received a file-marked copy from the commission assigning the complaint the claim number 220385, where the claim had been processed to proceed.
4. On June 8, 2022, the claimant received a major disciplinary charging him with rule violations, 2-5 Unauthorized use of mail, ... and 2-20 Unauthorized communication, contact, or conduct with a visitor or any member of the public or staff. Which in the body of the disciplinary, states that a Sergeant April Brandon received information on the claimant filing the complaint with the Commission and therefore charging him for doing so. Then she

proceeded to slander the Claimant with fraudulent false accusations of the Exhibits the Claimant presented to the court. (See Exhibit N.)

5. The Claimant was not allowed or afforded to call any witnesses or evidence in his defense as can be seen how the disciplinary is already pre-printed stating No Witness Statements. (See Exhibit N.)
6. On June 8, 2022, the Claimant attended the classification meeting held by Deputy Warden Mr. Richardson, where the claimant presented the file-marked copy of the claim along with the disciplinary, at which time, Richardson reviewed all documents and stated that the Claimant should not have received the disciplinary to begin with, but he would not "pull" the disciplinary, instead instructed the Claimant to "see what they do in court." When Mr. Richardson could have cancelled the disciplinary so no harm came to the Claimant, however, he refused to do so.
7. On June 9, 2022, the Claimant was not allowed or afforded to present any documents in disciplinary court. He was handcuffed behind his back and in leg shackled irons and placed in a small cage to speak via computer screen. Where disciplinary Judge Terrie Banister found the Claimant guilty of mailing the commission his claim with exhibits and reduced him to class three, one hundred fifty (150) days Good Time forfeited, and forty five (45) days restriction of phone, visitation and commissary. (See Exhibits Q and P.)
8. On June 8, 2022, the Claimant attempted to use the inmate grievance procedure, due to the retaliation, However, it was rejected, on June 13, 2022, the Claimant proceeded to Step 2, it was rejected again, on June

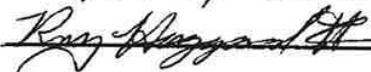
14, 2022, the claimant appealed the decision, but once again it was rejected. (See Exhibits Q, R and S)

9. On June 13, 2022, the claimant attempted again to use the inmate grievance procedure, yet did not receive a response and submitted the grievance to step 2 on June 16, 2022. However, it will take 30 days to receive a response from the warden, which the claimant fears may receive more fraudulent disciplinarys before the response is received without help immediately from the commission. (See Exhibits T and U)

10. On June 21, 2022, the claimant received a notification from the EARU Institutional Release Officer, Ms. Martha K. Adams, informing the claimant that due to the resent actions from the retaliation of filing the complaint with the commission and reduction of class his Parole of twenty-two (22) plus years straight will be Deferred.

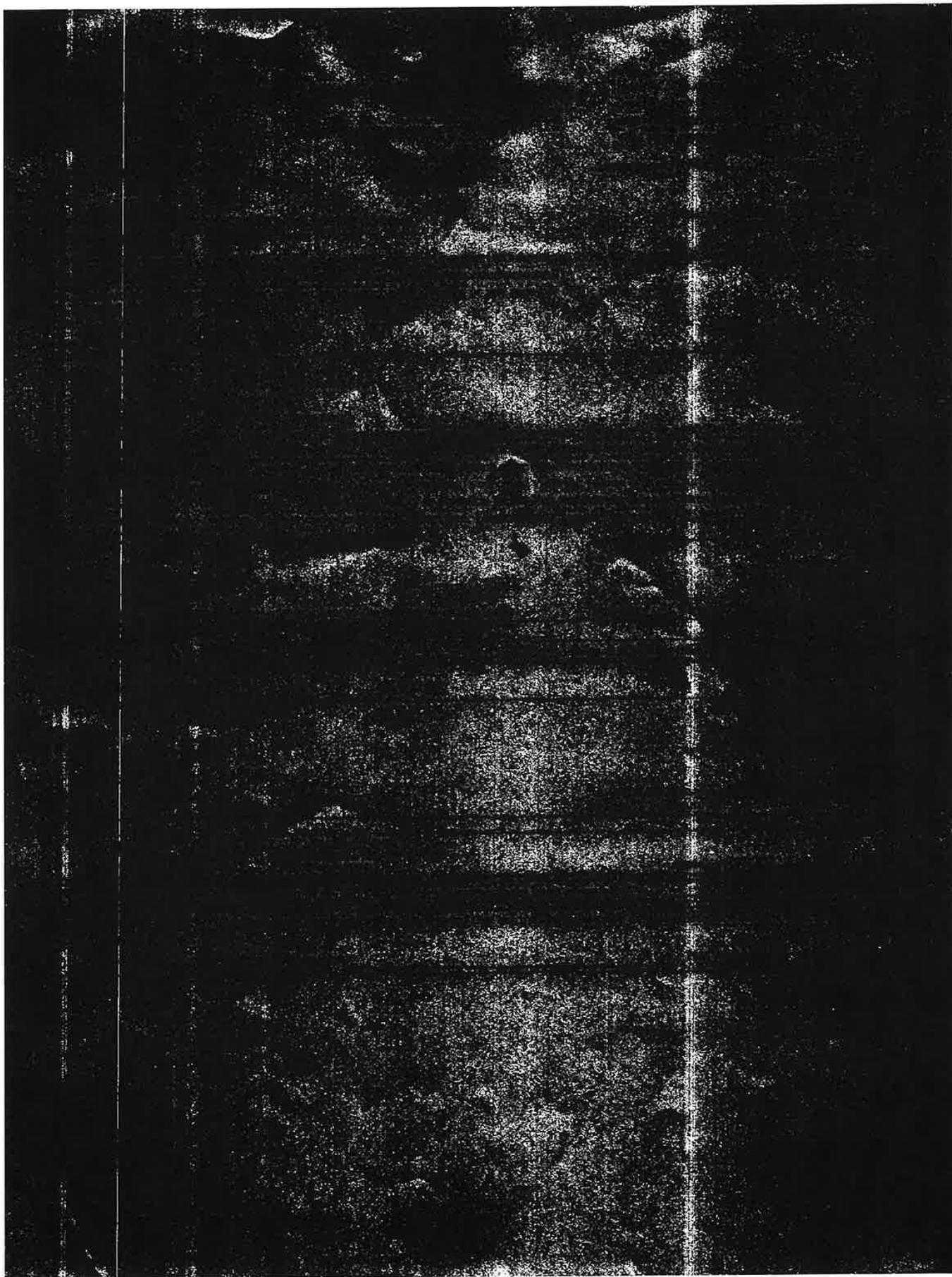
I declare under penalty of perjury that the foregoing is true and correct. Executed at Marianna, Arkansas on June 24, 2022.

Respectfully Submitted,



Mr. Ray A. Haggard II

(ADC # )



"Exhibit 0"

20/12

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Hoggins, Roy A II

ADC#: [REDACTED]

Case Violation(s):

- 02-5 Unauthorized use of mail OR telephone, including passing unauthorized messages, three-way communication(s), calling on another's phone code, posing as another person, telephone communications with unauthorized persons
- 02-20 Unauthorized communication, contact, or conduct with a visitor or any member of the public or staff.

Date/Time of Alleged Offense(s): 06/02/2022 10:15 AM

Hearing Date: 06/09/2022 Time: Start 10:28 AM End 10:40 AM

Recorder: Banister, Terrie L. Tape#: Side: Meter: From To

Flea: Not Guilty, Not Guilty Attendance Waived: No

Has waiver form been completed?

**Inmate's Statement:**  
 THIS IS A TRUE AND TRUE CASE. I FILED A LAWSUIT. THE CLAIMS COMMISSION TOOK THEM UNTIL MAY 9 AND RULED ON THEM AND HAD MERIT. I HAVE A FILE MARK COPY BACK. THEY WERE ORDERED FROM A PUBLICATION COMPANY WHO WAS TRYING TO GET A REFUND FROM THE PUBLICATION.

\_\_\_\_\_  
 Signature of Inmate

**Court Questions:**  
 Do you have a statement?

**Sentencing Conditions:**  
 Verdict: Guilty, Guilty

Restriction Days to Serve			
Commissary:	45	Days Suspended:	0
Phone:	45	Days Suspended:	0
Visitation:	45	Days Suspended:	0
GT Class Reduced to:	III	Class Suspended:	
GT Days Forfeited:	150	Days Suspended:	0

"Exhibit P"

Hearing Action  
05/09/2012 12:43 PM  
Page 2

Inmate: Hoggard, Roy A II

ADC#: [REDACTED]

**Disciplinary Sanctions/General Comments:**

**Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence):**  
INMATE HOGGARD MAILED A LETTER TO THE CLAIMS COMMISSION THAT CONTAINED INAPPROPRIATE FEMALE POSING NUDITY.

**Evidence:**

REPORT STATES INMATE HOGGARD MAILED A LETTER TO THE CLAIMS COMMISSION THAT CONTAINED INAPPROPRIATE FEMALE POSING NUDITY.

See statement from charging officer. PHOTOS.

**Reasons Why Information Purporting to Exonerate Inmate was Discounted:**  
Staff report is accepted.

**Reasons for Assessment of Punishment:**

INMATE HOGGARD IS A CLASS IC INMATE WHO MUST LEARN THAT THE MISUSE OF THE MAIL SENDING OUT NUDE PHOTOS WILL NOT BE TOLERATED FOR SECURITY PURPOSES.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature \_\_\_\_\_

Counsel-Substitute \_\_\_\_\_

I affirm that the information is true to the best of my knowledge.

Hearing Officer

*101010* *Quiste*

Date \_\_\_\_\_

"Exhibit Q"

RECEIVED

UNIT LEVEL GRIEVANCE FORM (Attachment D) JUN 17 2022

Unit/Center [redacted] Name Haggard, Roy Admin III INMATE GRIEVANCES SUPERVISOR ADC# [redacted] Brks # Max 212 Job Assignment ADMINISTRATION BUILDING

FOR OFFICE USE ONLY GRV. [redacted] 07-0159 Date Received 6-14-22 GRV. Code #: 400

6/8/22 (Date) STEP ONE: Informal Resolution

6/13/22 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: These photos are allowed

and as shown on Exhibits D & E are the Envelopes the photos was received in

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On 6/8/22, Sgt. Davis approached my cell Max 212 and informed me I was being written up for a Law Suit I filed in the Arkansas State Claims Commission last year in Sept. 2021 and the Commission just processed my claim No. 220385 and sent me my File-Marked copy, ink stamped received in the mailroom 5/13/22, where my Exhibits are what I am being charged over. This is a clear violation of AD 19-34 Grievance Policy of Retaliation over me using the inmate grievance policy then filing a law suit over the results of that grievance. I will be contacting Ms. Kathryn Irby, Director of the State Claims Commission and report how I have been retaliated against for filing a law suit. Please have this wrongful disciplinary dismissed and removed from my jacket.

Inmate Signature Roy Haggard Date 6/8/22

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 6-9-22 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No) If yes, name of the person in that department receiving this form: Date

Sgt. B. King ID Number [redacted] Sgt. B. King Date Received 6-9-22

Describe action taken to resolve complaint, including dates: The publication committee chairman DLW Johnson deemed the photos unfit to have. If this answer is not suitable feel free to contact the committee chairman DLW Johnson. EUS

Staff Signature & Date Returned Sgt. B. King 6-13-22 Inmate Signature & Date Received Roy Haggard 6/13/22

This form was received on (date), pursuant to Step Two. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: Date:

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; ORIGINAL - Given back to Inmate after Completion of Step One and Step Two.

7 of 11

6/14/22, 2:29 PM

eOMIS - Arkansas - eOMIS Production V8.5- Prod10

X2.12

"Exhibit R"

IGTT400  
3GR

Attachment II

### ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Hoggard, Roy A. II  
FROM: Jenkins, Arielle T  
DATE: 06/14/2022

ADC #: [REDACTED]  
TITLE: Administrative Specialist I  
GRIEVANCE #: [REDACTED] 22-01159

THE ADOPTION OF THIS POLICY HAS RESULTED IN REJECTION FOR THIS APPEAL AND MARKS THE END OF THE APPEAL PROCESS

Please be advised, I have received your Grievance dated 06/08/2022 on 06/14/2022. You should receive communication regarding the Grievance by 07/13/2022.

Signature of Administrative Specialist I

### CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
- This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- This Grievance has been determined to be an emergency situation, as you so indicated.

- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable ( Disciplinary matter ), untimely, was a duplicate of , or was frivolous or vexatious.

### INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

*As stated this is Retaliation for using the Grievance process then filing a lawsuit due to the results. The photos are Non-Nude and was received per AD 20-04, I was and am suing due to the fact they were not to be photocopied and originals destroyed, therefore the photocopies of the photos are the evidence in the lawsuit and are not nude or inappropriate, I was Retaliated against for using the Grievance process and filing a lawsuit plain and simple.*

Inmate Signature

ADC#: [REDACTED] Date: 6/14/22

RECEIVED

JUN 17 2022

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

If appealing a rejection, please include both the Unit Level Grievance Form (Attachment I) and the Rejection (Attachment II)

8 of 11

"Exhibit S"

IGTT405  
3GT

Attachment V

**ACKNOWLEDGEMENT OF GRIEVANCE APPEAL  
or REJECTION OF APPEAL**

FAILURE TO FOLLOW  
PROCEDURE HAS RESULTED IN  
A REJECTION FOR THIS  
APPEAL AND LEAVES THE APPEAL  
PROCESS

TO: Inmate Hoggard, Roy A. II ADC #: [REDACTED]  
FROM: Straughn, William F TITLE: Deputy Director  
RE: Receipt of Grievance [REDACTED] 22-01159 DATE: 06/17/2022

Please be advised, the appeal of your grievance dated 06/08/2022  
was received in my office on this date 06/17/2022

**Your grievance appeal is being returned pursuant to the Administrative Directive on Inmate Grievances due to one of the following:**

- The time allowed for appeal has expired
- The matter is non-grievable and does not involve retaliation:
  - (a) Parole and/or Release matter
  - (b) Transfer
  - (c) Job Assignment (Unrelated to Medical Restriction)
  - (d) Disciplinary matter
  - (e) Matter beyond the Division's control and/or matter of State/Federal law
  - (f) Involves an anticipated event
  - (g) Publication
- You did not send all the proper Attachments:
  - (a) Unit Level Grievance Form (Attachment 1)
  - (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response (Attachment IV for Health Issues Only)
  - (c) Acknowledgement and/or Rejection form (Attachment II)
  - (d) Step Two was appropriately rejected
  - (e) Did not give reason for disagreement in space provided for appeal
  - (f) Did not complete Attachment III or IV by signing your name, ADC#, and/or the date
  - (g) Unsanitary form(s) or documents received
- This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

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"Exhibit T"

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center \_\_\_\_\_

Name Haggard, Roy Adrin II

ADC# \_\_\_\_\_ Brks # max 212 Job Assignment N/A

FOR OFFICE USE ONLY	
GRV. #	<u>22-01184</u>
Date Received:	<u>6/16/22</u>
GRV. Code #:	_____

6/13/22 (Date) STEP ONE: Informal Resolution

6/16/22 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I have not received a

response to step 1 nor has the issue been solved;

\_\_\_\_\_, (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: \_\_\_\_\_

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On 6/2/22, Sgt. April Brandon violated my legal rights by opening and viewing my legitimate law suit filed in the Arkansas State Claims Commission last year Claim No. 220385 that she is not named in the suit, she is not a lawyer for the ADC and she is not a Lt. or above assigned to deliver legal Mail to inmates and therefore she was not authorized to open or view my personal and private law suit against the ADC. Therefore she violated several AD's, Policy and Procedures, not to mention my rights and due process, along with the rules of Arkansas Civil Procedure.

Roy Haggard II  
Inmate Signature

6/13/22  
Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on \_\_\_\_\_ (date), and determined to be Step One and/or an Emergency Grievance \_\_\_\_\_ (Yes or No). This form was forwarded to medical or mental health? \_\_\_\_\_ (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: \_\_\_\_\_

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on \_\_\_\_\_ (date), pursuant to Step Two. Is it an Emergency? \_\_\_\_\_ (Yes or No).

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; ORIGINAL - Given back to Inmate after Completion of Step One and Step Two.**

10 of 11

6/16/22, 8:53 AM

eOMIS - Arkansas - eOMIS Production V8.5- Prod6

X2.12

IGTT400  
3GR

"Exhibit U"

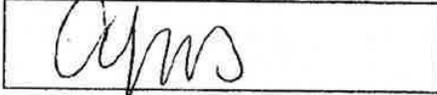
Attachment II

### ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Hoggard, Roy A. II  
FROM: Jenkins, Arielle T  
DATE: 06/16/2022

ADC #: [REDACTED]  
TITLE: Administrative Specialist I  
GRIEVANCE #: [REDACTED] 22-01169

Please be advised, I have received your Grievance dated 06/13/2022 on 06/16/2022.  
You should receive communication regarding the Grievance by 07/15/2022



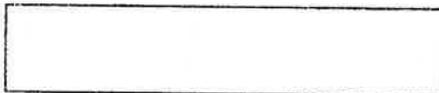
Signature of Administrative Specialist I

### CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
- This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- This Grievance has been determined to be an emergency situation, as you so indicated.
- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable ( ), untimely, was a duplicate of , or was frivolous or vexatious.

### INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.



Inmate Signature



Date

If appealing a rejection, please include both the Unit Level Grievance Form (Attachment I) and the Rejection (Attachment II)

11 of 11

**From:** [Mika Tucker](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Subject:** RE: Roy A. Hoggard II, v. ADC, Claim No. 220385  
**Date:** Thursday, September 29, 2022 8:29:00 AM  
**Attachments:** [CL motion for preliminary injunction and memorandum of points and declaration.pdf](#)

---

Please see attached.

**Mika Tucker**  
**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-2818

---

**From:** Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>  
**Sent:** Thursday, September 29, 2022 8:06 AM  
**To:** ASCC Pleadings <ASCCPleadings@arkansas.gov>  
**Cc:** Leslie Browning (DOC) <Leslie.Browning@arkansas.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>  
**Subject:** RE: Roy A. Hoggard II, v. ADC, Claim No. 220385

We do not have a motion for preliminary injunction. If this inmate has filed something, may we please have a copy?

Thank you

-TB

Legal Division  
Arkansas Department of Corrections  
Division of Correction

---

**From:** Misty Scott <[Misty.Scott@arkansas.gov](mailto:Misty.Scott@arkansas.gov)> **On Behalf Of** ASCC Pleadings  
**Sent:** Wednesday, September 28, 2022 4:20 PM  
**To:** Thomas Burns (DOC) <[Thomas.Burns@arkansas.gov](mailto:Thomas.Burns@arkansas.gov)>  
**Cc:** Leslie Browning (DOC) <[Leslie.Browning@arkansas.gov](mailto:Leslie.Browning@arkansas.gov)>; ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>; Mika Tucker <[Mika.Tucker@arkansas.gov](mailto:Mika.Tucker@arkansas.gov)>  
**Subject:** Roy A. Hoggard II, v. ADC, Claim No. 220385

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

Arkansas  
State Claims Commission

OCT 08 2022

RECEIVED

To: Ms. Kathryn Irby, Director

Date: October 4, 2022

From: Mr. Roy A. Haggard II

ADC: [REDACTED]

Re: Claim No. 220385 and 210188

Dear Ms. Irby,

Please find enclosed two full copies of both my response to Respondent's request for admissions and interrogatories.

Please return the dog eared top set of copies file-marked to me as soon as possible.

As far regards to claim no. 210188, please disregard my motion to compel discovery, for even though the Respondent responded past the allotted time frame, they did respond. So my motion to compel is now moot.

Thank you for your time in this matter.

Respectfully Submitted,

*Roy Haggard II*

Mr. Roy A. Haggard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission CLAIMANT

ROY A. HOGGARD II (ADC [REDACTED])

OCT 08 2022

v No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS

RECEIVED RESPONDENT

CLAIMANT'S RESPONSE TO INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS

Comes Now, the Claimant, Roy A. Hoggard II, and for his responses,  
states;

1. INTERROGATORY NO. 1: Please list all witness you may call in  
relation to this matter and a synopsis of their expected testimony.  
RESPONSE: This information will be provided prior to any hearing.

2. INTERROGATORY NO. 2: Please state why monies were paid for  
publications which are not allowed.  
RESPONSE: Claimant acted pursuant to policy.

3. INTERROGATORY NO. 3: Please state why you ordered the referenced  
publications knowing they were not allowed according to AD17-17.  
RESPONSE: Claimant acted pursuant to policy.

4. INTERROGATORY NO. 4: Blank

5. INTERROGATORY NO. 5: Please state why you should receive money.  
RESPONSE: Because the actions of the respondent which violated ADC  
policy resulted in the Claimant suffering obvious damages.

6. INTERROGATORY NO. 6: Please state how you came up with \$4,000.00 in damages.

RESPONSE: Cost and expenses of, but not limited to, the destruction of personal property, legal copies, stationary supplies, legal advisory and preparation, postage, time and labor, etc.,

7. INTERROGATORY NO. 7: Please state what your measure of damages is.

RESPONSE: \$4,000.00

8. REQUEST FOR PRODUCTION NO. 1: Please attach a copy of any documents you plan to introduce in any hearing of this matter.

RESPONSE: Respondent is in possession of documentation requested.

Certificate of Service

I certify that a copy of this pleading has been served this 4<sup>th</sup> day of October 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
*Ray Haggard*  
Mr. Ray A. Haggard II  
ADC # [REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [REDACTED]) CLAIMANT

v No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S RESPONSE TO RESPONDENTS

REQUEST FOR ADMISSIONS

Comes Now, the Claimant, Roy A. Hoggard II, and for his response to requests for admissions, in accordance with the Arkansas Rules of Civil Procedure, states;

1. REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 220385.

RESPONSE: Deny

2. REQUEST FOR ADMISSION NO. 2: Admit that the publications you ordered with regard to this matter contained sexually explicit material.

RESPONSE: Deny, Respondent needs to review definition of "Sexually Explicit" in ADC policy AD 20-04 and [REDACTED] Policy 16.05.D.

3. REQUEST FOR ADMISSION NO. 3: Admit that ADC acted pursuant to policy.

RESPONSE: Deny.

4. REQUEST FOR ADMISSION NO. 4: Admit that inmates are not allowed to possess sexually explicit material.

RESPONSE: Admit, that is why by ADC Policy Definition the Publications in question are not in any way Sexually Explicit.

5. REQUEST FOR ADMISSION NO. 5: Admit that you had knowledge of directive AD 17-17 and its restrictions prior to your order for the referenced publications being placed.

RESPONSE: Admit, this is why claimant acted pursuant to policy.

Certificate of Service

I certify that a copy of this pleading has been served this 4<sup>th</sup> day of October 2022, on the Respondent by placing a copy of the same in the U.S. mail, regular postage to;

Thomas Burns (02006)  
Division of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
*Rory Haggard II*  
Mr. Roy A. Haggard II  
ADC # 

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

ROY A. HOGGARD II (ADC) [REDACTED] CLAIMANT

v. No. 220385 OCT 13 2022

ARKANSAS DEPARTMENT OF CORRECTIONS RECEIVED RESPONDENT

CLAIMANT'S RESPONSE TO RESPONDENTS MOTION  
TO STRIKE PLEADINGS, PROTECTIVE ORDER

Comes Now, the Claimant, Mr. Roy A. Hoggard II, and for his response, states;

1. Once again, Mr. Thomas Burns, Chief legal counsel for the Respondent (ADC), with His outrageous and preposterous accusations are unfounded and moot.
2. Pursuant to Arkansas Rule of Civil Procedure 5(3)(c), As clearly stated on the head cover page to the Claims Commission on June 24, 2022, of Claimant's Motion for an Preliminary Injunction with its Memorandum of Points and Declaration. The Claimant clearly disclosed that at the time of submitting said motion, he was unable to make all copies needed, due to the unit's Law Library. However, under the rule of "or within a reasonable time thereafter." The Claimant was able to procure said copies needed and four (4) calendar days later, most definitely "a reasonable time" the Claimant sent a full copy of the Motion for Preliminary Injunction with all it's proper legal accompanying documentation, through the U.S. mail regular postage.
3. The reason an extra Certificate of Service was not drafted or accompanied the Respondent's copies was so not to alter the  
1 of 5

original documentation being presented to the Respondent.

However, as documented proof of postage (see Exhibit N), (Respondent has access to Claimant's inmate file and can view an electronic copy of receipt).

4. The outlandish accusations of "a slew of pleadings" the Claimant filed as stated by the Respondent, is Only the Claimant's Motion for a Preliminary Injunction with its proper and complete legal attached documents only, No other motions, briefs, pleadings, etc.

It is only the Respondent's chief counsel crying wolf like normal in His ongoing harassment on the Claimant in attempts to intimidate the Claimant into dropping his claim on the Respondent (ADC) violating their own Policy and Procedures.

5. Plus, as further proof that the Respondent did receive a copy of the Motion in question and/or aware of said Motion, Please refer to the official Order from the Claims Commission, addressed to both parties, dated July 25, 2022, page 4, # 17, addresses said motion, along with stating that the motion was moot already. If the Respondent did not have their copy of said motion or aware of said motion they would have raised the issue then, not wait over two (2) months later to raise the issue. However, for just the reason stated above the Respondent's Request to Strike Pleadings and Protective Order is also Moot.

6. Here too, as the Claims Commission is aware, but in more crys of wolf by chief legal counsel for the Respondent (ADC), the Claimant

has not submitted Any said Discovery Requests such as Requests for Admissions, Interrogatories or Requests for Production. The Only such requests have been submitted on the Respondent's behalf on September 27, 2022, where the Respondent submitted their First set of Requests for Admissions and First set of Interrogatories with Requests for Production Propounded to the Claimant, which the Claimant has responded and submitted both responses on October 4, 2022.

7. At the same time of submission of the responses to the Respondent's Requests, the Claimant also requested that his Motion to Compel Discovery of the Respondent in Claimant's other claim no. 210188, be disregarded, due to the Respondent, even though past the set time limit set in the Arkansas Rules of Civil Procedure, the Respondent did finally respond, showing again of how respectful the Claimant is to the time and expenses of All parties, not just his own.

8. The Claimant needs not seek to trick the Respondent into a default, or rely on intimidation with harassment as tactics used by the Respondent. The Claimant will prevail by the undeniable proof of the truth of facts in this claim of yet another of many cases of the ADC violating their own Policy and Procedures.

WHEREFORE, the Claimant respectfully prays that the Respondent's Motion be denied, and a hearing set as soon as possible.

3 of 5

Certificate of Service

I certify that a copy of this pleading has been served this 10<sup>th</sup> day of October, 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Bucus (02006)  
Division of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
*Roy Haggard II*  
Mr. Roy A. Haggard II  
ADC 

"Exhibit N"

[Redacted] as ADC  
[Redacted] Unit Main Canteen

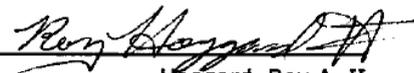
Hoggard, Roy A. II  
Customer Number: [Redacted]  
Housing Location: MAX2/CB12

Initial Balance: 209.47  
Ending Balance: 207.71  
Spending Limit: 6.75

REGULAR RECEIPT

Item	Qty	Price
POSTAGE		
[901]	176 @ 0.01	1.76
Subtotal		1.76
Sales Tax		0.00
Total		1.76

June 28, 2022 04:09:22 PM

X   
Hoggard, Roy A. II

Sof5

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Leslie Browning \(DOC\)](#)  
**Subject:** Roy Hoggard v ADC 220385  
**Date:** Monday, October 17, 2022 2:12:07 PM  
**Attachments:** [0401\\_001.pdf](#)

---

ADC response to MSJ

Thomas Burns  
General Counsel  
Arkansas Department of Corrections  
Division of Correction  
6814 Princeton Pike  
Pine Bluff Arkansas 71602  
Phone: (870) 267-6845  
Fax: (870) 267-6373  
Cell: (870) 515-0918  
[thomas.burns@arkansas.gov](mailto:thomas.burns@arkansas.gov)

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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (██████████)

CLAIMANT

V.

NO. 220385

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ADC RESPONSE TO MOTION FOR SUMMARY JUDGMENT

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

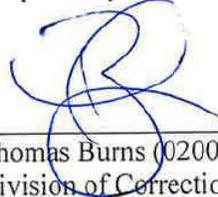
1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein. In fact everything in the Inmates complaint is disputed.
2. The paragraph 1 is a recitation of the complaint; therefore the ADC denies paragraph 1.
3. Paragraph 2 is a statement of the, law and require no response. The ADC would deny.
4. Paragraph 3 is a statement of the law and requires no response. The ADC would deny
5. The ADC denies paragraph 4.
6. The ADC denies paragraph 5. The images the inmate complains of are attached as *Ex A*. They are being sent in camera since they are clearly contraband and violate ADC policy.
7. The ADC denies paragraph 6. Policies AD 20-04, *Ex B*, and AD 2021-01, *Ex C*, are rad in conjunction with each other.
8. The ADC denies paragraph 7. The inmate's grievance, *Ex D*, explains to the inmate why his photos were taken.
9. The ADC denies paragraph 8.
10. The ADC denies paragraph 9.
11. The ADC admits paragraph 10.
12. The ADC denies paragraph 11.
13. This inmate attempted to have sexually explicit materials brought into the unit, this will not be tolerated, and the inmate knows this.

14. The inmates complaint is in bad faith and summary judgment is inappropriate.

15. The Claims Commission should dismiss the complaint in its entirety.

WHEREFORE, Respondent prays that this Motion to Dismiss be granted; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



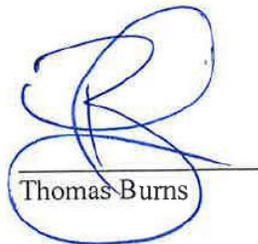
Thomas Burns (02006)  
Division of Correction  
Legal Department  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

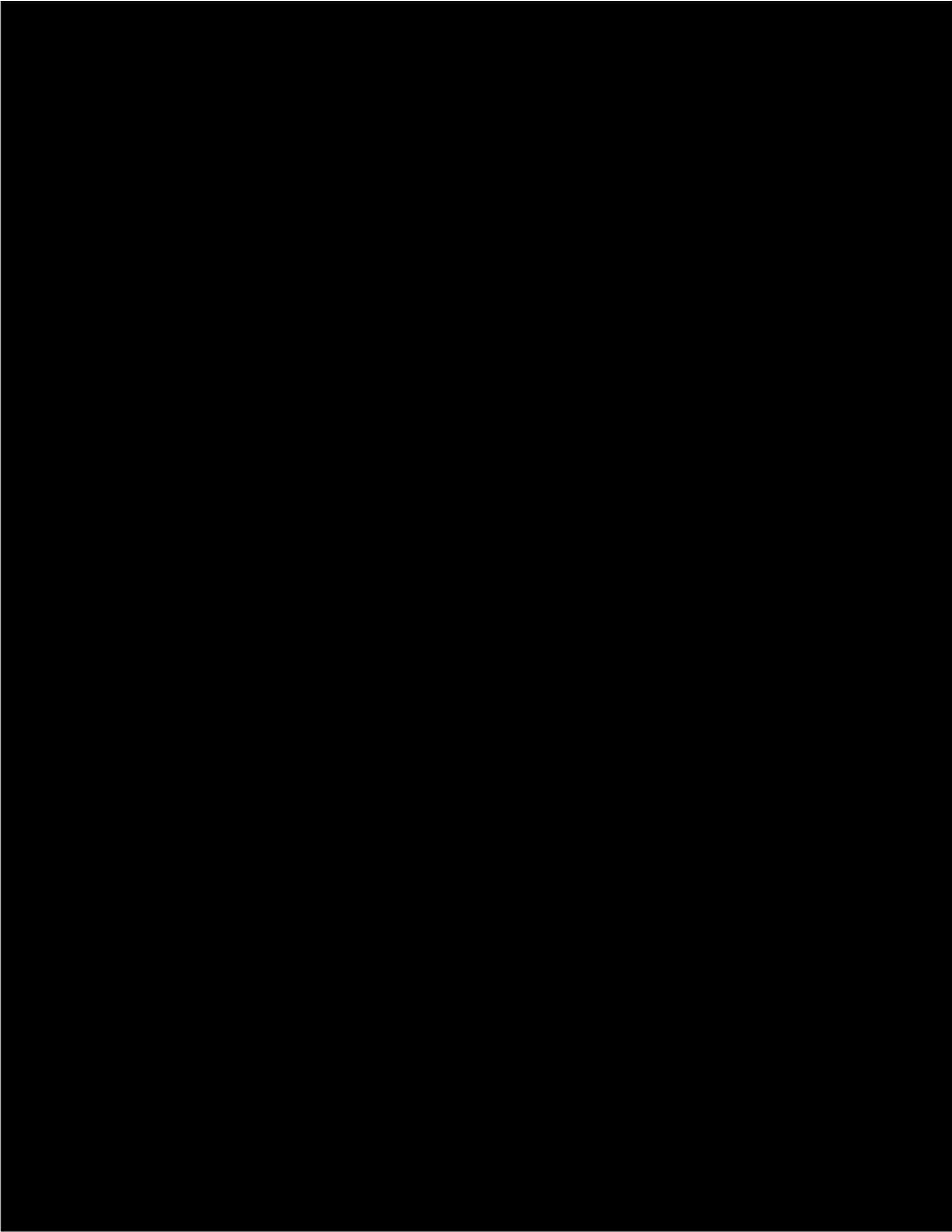
I certify that a copy of this pleading has been served this 17<sup>th</sup> day of October 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

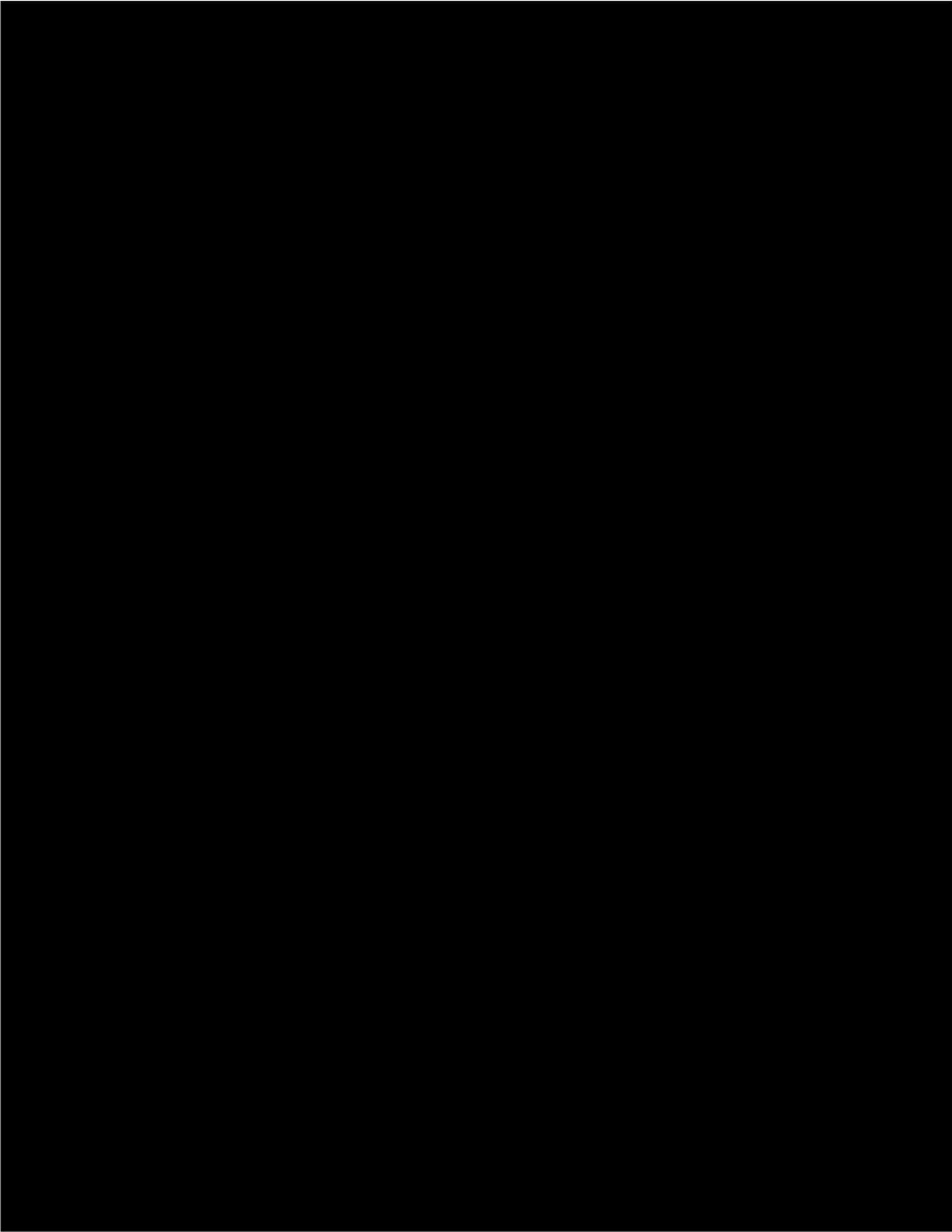
Roy Hoggard (██████)

████████████████████



Thomas Burns







DIVISION OF  
CORRECTION

6814 Princeton Pike  
Pine Bluff, AR 71602  
Phone: 870-267-6200  
Fax: 870-267-6244  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 20-04

**SUPERSEDES:** 17-17

**APPLICABILITY:** Division Staff and Inmates

**REFERENCE:** AR-864-Publications  
AD-Inmate Correspondence  
AD-Inmate Property Control  
AD-Inmate Grievance Procedure

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Dexter Payne

**EFFECTIVE DATE:** 4/10/2020

### I. POLICY:

Inmates may receive publications only from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with rehabilitative goals.

### II. PURPOSE:

This Administrative Directive establishes the process by which the Division of Correction determines which publications may be received by the inmate population.

### III. DEFINITIONS:

- A. Publication: A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text. The term publication does not include a personal letter.
- B. Commercial Outlet: A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

GxB

- C. Charitable Outlet: A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.
- D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed.
- E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.
- F. Security Terrorist Threat Group (STTG): Any group of inmates that the Division of Correction reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose or activities.

#### IV. PROCEDURES:

- A. The Warden/Center Supervisor shall designate staff to review incoming publications.
- B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting any one or more of the following categories may be rejected:
  - 1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
  - 2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law to include but not limited to;
    - a. Material advocating, or describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of Division facilities;
    - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
    - c. Material advocating or providing instructions on identity theft;
    - d. Material that incites, encourages, advocates, or promotes act of violence such as but not limited to sexual assaults and physical assaults;
  - 3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives or any other weaponry, including realistic

- pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;
4. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
  5. STTG materials including, but not limited to, codes, signs, symbols, photographs, drawings, training materials, and catalogs;
  6. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons or of other fighting techniques;
  7. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
  8. Instructions or patterns for tattoos, or other skin modification techniques or equipment;
  9. Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
  10. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
  11. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
  12. Posters measuring more than two hundred (200) square inches;
  13. Publications containing a product insert which, by itself, would be deemed contraband; and
  14. Publications which meet two (2) of the following conditions:
    - a. Books that measure more than 9" x 11".
    - b. Hardback books thicker than two (2) inches.
    - c. Softback books thicker than four (4) inches.
    - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational and religious publications.

15. Photobooks are not considered an allowable publication and will not be permitted.

**Note:** Inmates are only allowed five (5) individual photos. This does not include digital photos (refer to Inmate Correspondence AD).

C. Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. With respect to any publication, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.

D. Items within the package cannot be separated; therefore, the package is rejected in its entirety.

**Note:** For any publication rejected solely because it contains a product insert, if the product insert(s) can be removed, the publication is acceptable.

E. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

F. The decision to reject a publication may be appealed to the Central Office Publication Review Committee. The Committee members are to be assigned by the Director or his/her designee. The appeal must be initiated within ten (10) days of the receipt of written notification of the Warden/Center Supervisor's decision to reject the publication. Rejection of a Publication is not grievable.

G. Any rejected publication will be held safe by the Warden/Center Supervisor or his/her designee until the appeal process has been completed, or until the ten (10) day period for filing an appeal has expired.

H. Options for disposing of an unacceptable publication are:

1. Destruction;
2. Return of the publication to the sender at the expense of the inmate unless return postage is guaranteed;
3. Mailing the publication to a third party at the expense of the inmate;

4. Giving to a third-party during visitation.

UNIT NAME

To: Use inmate name here

From: Use Deputy/Assistant Warden/Warden name here

Publication: Name of publication, date or identifying information here

Date:

The Unit Publication Review Committee has denied your publication for the reason(s) listed below:

\_\_\_\_\_ [List applicable Policy Numbers]

\_\_\_ Other (explain) \_\_\_\_\_

\_\_\_\_\_  
Committee Member/Title Date Committee Member/Title Date

\_\_\_\_\_  
Committee Member/Title Date Committee Member/Title Date

This decision is consistent with AR 864/Publications (AD). You will have TEN (10) days upon receipt of this notification to appeal. **Send your appeal to the Unit Mailroom** and the mailroom will present it to the Central Office Publication Review Committee.

If you choose **not** to appeal the decision you will have FIFTEEN (15) days to exercise options 2, 3, 4, 5, or 6, (if applicable) before the publication will be destroyed.

1. Appeal
2. Destruction
3. Return the publication to sender at your own expense
4. Mail the publication to a third party at your own expense Address: \_\_\_\_\_
5. Give to 3<sup>rd</sup> party at Visitation
6. Authorize removal of insert(s) and release any and all claims

**\*OPTION:** \_\_\_\_\_

**\*Failure to exercise an option will be considered authorization for destruction.**

\_\_\_\_\_  
Inmate Signature Date

Refused to sign

\_\_\_\_\_  
Witness Date

Publication File  
Inmate file  
Warden  
Inmate



**ARKANSAS DEPARTMENT OF CORRECTIONS**  
Division of Correction - Director's Office

6814 Princeton Pike  
Pine Bluff, Arkansas 71602  
Phone: (870) 267-6200 | Fax: (870) 267-6244

**ADMINISTRATIVE DIRECTIVE**

**SUBJECT:** Inmate Correspondence

**NUMBER:** 2021-01

**SUPERSEDE:** 18-37

**APPLICABILITY:** All Staff and Inmates

**PAGE:** 1 of 5

**REFERENCE:** AR 860 Inmate Correspondence; AR 401 Searches for and Control of Contraband; AR 841 Inmate Property Control; AR 825 Inmate Name Change for Religious Purposes; AD Inmate Name Changes; AD Inmate Property Control ACA Standards; and A.C.A. 12-12-312

**APPROVED:** Original signed by Director Dexter Pavne EFFECTIVE DATE: 3/29/2021

**I. POLICY:**

It shall be the policy of the Arkansas Division of Correction (ADC) to permit inmates to correspond with family, friends, officials, and other significant community contacts with a minimum of interference consistent with the legitimate security needs of the facility; however, the increasing use of illegal drugs has led to the need to limit incoming paper correspondence.

**II. PURPOSE:**

It is the ADC's policy to open all mail in accordance with the procedures outlined in Administrative Rule (AR) 860, Inmate Correspondence. The rule covers Privileged, General, and Interstate/Inter-Unit correspondence. Since opened mail will not be returned to the sender by the Postal Service without additional postage, the inmate shall be responsible for the cost.

**III. DEFINITIONS:**

- A. Inspections. Mail or hobby-craft packages will be opened to determine if any contraband items are contained therein and to remove any such contraband items.
- B. General Correspondence. Correspondence mailed to the inmate, other than privileged correspondence, will be limited to three (3) pages which will be copied (black and white photocopy) along with the envelope so that two (2) sheets of paper, front and back, shall be provided for each item of general correspondence an inmate receives. Originals will be shredded after the copy has been made.
- C. Legal/Privileged Correspondence. Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities.
  - 1) Officers of Federal, State, and Local Courts;
  - 2) Any Federal or State Official or Agency;
  - 3) Any Administrator of the ADC;

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Exc

- 4) The Parole Board or its staff;
  - 5) The Board of Corrections or its staff;
  - 6) The Inmate's Attorney(s); and
  - 7) Any member of the News Media.
- D. Contraband. Any item that is not permitted under the usual rules of the unit/center including general correspondence that exceeds three pages.
- E. Rejection. Any item of correspondence containing any contraband will be rejected. Any item of general correspondence exceeding the limitations set out in Section IV. A. below will be rejected. In addition, any material which the Warden/Center Supervisor or designee reasonably determines will present a clear and present danger to institutional security will be rejected.

#### IV. PROCEDURES

##### A. Inmate Correspondence Constituting or Containing Contraband

1. All mail is opened in accordance with AR 860. Mail containing contraband or the contents of which exceeds an envelope with writing on one side and three sheets of 8 ½ x 11-inch (or smaller) size paper with writing on one side will be returned to the sender and the inmate to whom the correspondence was addressed and/or was to receive the contraband will be required to pay for the return postage or agree to the destruction of the mail and contraband. Note that individual photographs will be considered one sheet of paper, and nothing larger than 8 ½ x 11 inch will be copied. No color photocopies will be made.
2. Photos received from the crime lab that contain the following information to an inmate in the custody of ADC shall be considered contraband per A.C.A. § 12-12-312:
  - a. Depicts a crime scene;
  - b. Depicts the victim of a crime; or
  - c. Was taken in conjunction with an autopsy.
3. The originals of any incoming general correspondence copied and delivered to the inmate will be shredded immediately.
4. Inmates are encouraged to communicate with those persons with whom they correspond to make them aware of the items which they can receive legally and request that contraband items not be sent.
5. Inmates will be given thirty (30) days from the date received to pay the postage for returning the mail rejected under this policy. Illegal contraband will be seized. If the inmate is not willing to pay for the return postage within the time limit, the mail and contraband will be destroyed.
6. Mailroom personnel will submit the items to be destroyed to the Deputy Warden/Center Supervisor for review and/or approval to destroy.
7. At a time designated by the Warden/Center Supervisor, after the time limit has expired, the mailroom personnel and the Deputy Warden/Center Supervisor will oversee the destruction of the mail and contraband.
8. Any mail received without a return address containing the first and last name of the individual or the business name, street address or post office box number, city, state, and zip code will be considered contraband and destroyed. However, it may be opened to determine if disciplinary charges are warranted against the intended recipient. A notification will be sent to the inmate advising when his/her mail has been rejected and why it was rejected. The

inmate will be given thirty (30) days from the date received to pay the postage for returning mail rejected under this policy if the rejected item included a return address.

9. Original newsprint paper is difficult to screen for illicit substances. Correspondence which includes original newsprint paper is considered contraband and will be destroyed pursuant to this administrative directive. However, photocopies of newspaper articles may be sent with general correspondence so long as it does not violate the correspondence or publication policy regarding content. The copy of newsprint must be on 8 ½ by 11-inch paper or smaller and each sheet will count as one of the three pages allowed as general correspondence.

#### **B. Inmate Electronic Correspondence**

1. All inmate electronic correspondence will be subject to the rules outlined in AR 860, Inmate Correspondence.
2. The cost of the electronic correspondence is at the expense of the sender. The cost of any rejected electronic correspondence will be at the sender's expense.
3. Electronic correspondence will be considered General Correspondence only; however, the limit to three sheets and one side of an envelope will not apply.
4. All incoming and outgoing electronic correspondence will be inspected and approved before distribution.
5. Inmates who have purchased an approved MP4 Player may have their electronic correspondence downloaded through the available Kiosk in the Unit. The correspondence is transferred electronically. No printed version will be provided to the inmate.
6. Electronic photographs will be available to inmates by two (2) separate ways. Inmates who have purchased an approved MP4 Player may have their photos downloaded through the available Kiosk in the Unit. No printed version will be provided to the inmates. The photos obtained by the inmate in this way are not subject to numerical restrictions, as with printed photos as identified in AR 841, Inmate Property Control. Electronic photographs will be printed and delivered to the inmate if he/she does not possess an MP4 Player. The printed photographs must comply in content and number as stated in AR 841, Inmate Property Control. If more than five (5) pages of photographs are received, the entire correspondence will be rejected. The inmate receiving electronic photographs is responsible for ensuring that the number of printed photographs in his/her possession does not exceed established limits.
7. Rejected electronic correspondence will be rejected in its entirety.

#### **C. Legal/Privileged Correspondence**

1. Incoming Legal/Privileged Mail will be logged by mailroom staff upon receipt on the Legal Mail Delivery Form (Attachment 3). Mailroom personnel must sign and list the name of the addressee, sender, and the tracking number listed on the envelope on the Legal Mail Delivery Form. The staff member who delivers the Legal/Privileged mail to an inmate must list their name and rank on the Legal Mail Delivery Form. Upon delivery of any legal mail, staff will provide an acknowledgment of legal mail to the inmate, if the inmate refuses to sign acknowledgment, another staff member will note "inmate refused to sign" on the Legal Mail Delivery Form and sign as a witness. The Legal/Privileged mail will then be opened in the presence of the inmate. Mail opened and inspected under these circumstances will not be read or censored but may be rejected in its entirety if it is found to contain contraband.
2. There will be no records kept of the contents of the incoming or outgoing privileged correspondence. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence. All incoming privileged mail should be in official letterhead envelopes and

should be clearly identified as "Privileged Correspondence". Media mail should be clearly marked "Media Mail".

3. Each Unit should schedule a "Privileged Mail Call" for outgoing mail once a day, Monday through Friday excluding holidays.
4. During "Privileged Mail Call," all correspondence will be checked for contraband by two staff members, (i.e., Sergeant and Shift Captain or Lieutenant), and sealed in the presence of the inmate. Both the Sergeant and the Captain or Lieutenant will sign the back of the envelope.
5. Once the Sergeant and Shift Captain or Lieutenant have signed the back of the envelope(s), outbound privileged mail will be deposited in the authorized Privileged Mailbox to be picked up by mailroom personnel.
6. Any mail marked "Legal or Privileged Mail" that has not been processed in accordance with paragraphs 3 and 4 above will be given to the Shift Captain or Lieutenant by the Mailroom staff. The Captain or Lieutenant will return the mail to the inmate(s) to be opened in his/her presence to ensure contraband is not present.
7. Units having x-ray machines will scan all incoming and outgoing privileged correspondence for contraband. For example, loose powder can be detected if the letter is stood on end and "bumped" causing the powder to collect in the corner of the envelope's seal/flap. In addition, tablets and capsules can be detected during the scanning process. After x-raying, mailroom staff will initial the envelope.  
Additionally, mailroom staff must also lay envelopes on a flat surface and run their hands over them to feel for possible contraband.
8. Inmates in Restrictive Housing or Punitive will have his/her outbound privileged correspondence checked at their cells in accordance with paragraphs 3 and 4.

#### **D. General Correspondence**

1. Correspondence, other than privileged or Interstate/inter-unit correspondence, shall be considered general correspondence. Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding. There will be no limitation placed on the number of letters mailed or received; however, each item of inbound correspondence is limited to three sheets of 8 ½ x 11-inch paper or smaller along with one side of an envelope which will be photocopied and delivered to the inmate. All general correspondence, both incoming and outgoing, may be opened, inspected, read and records may be kept of all incoming and outgoing general correspondence.
2. The full name under which the inmate was committed, and the ADC number of the inmate shall be shown on the upper left-hand corner of the envelope on any outgoing mail and bottom right of incoming mail. Any violation of the rules and regulations which also constitutes a violation of Federal Postal Laws shall be reported to the Federal Postal authorities or appropriate personnel responsible for the processing and inspection of such mail.
3. Inmates in punitive housing will be allowed to send and receive general correspondence and privileged correspondence on the same basis as inmates in the general population.
4. Limitations on the pages of general correspondence to be photocopied shall not apply to the following facilities: Benton Work Release Center, Northwest Arkansas Work Release Center, Mississippi County Work Release Center, Texarkana Work Release Center, Pine Bluff Reentry Center, and the Tucker Reentry Center.

5. The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists. The page limit and copying of general correspondence is to restrict the flow of contraband arriving by paper sent into the ADC facilities.
6. The ADC will not accept postage due mail or packages.
7. All letters will be written in the English language unless there is approval by the Warden/Center Supervisor to do otherwise. All entries will be made in the inmates' electronic file.
8. Violators of correspondence regulations will be subject to disciplinary action.

#### **E. Interstate/Inter-Unit Correspondence between Incarcerated Individuals**

Interstate and Inter-unit correspondence is mail between all individuals who are incarcerated either within the ADC or another facility. Interstate, and Inter-Unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family. It will be subject to the usual rules under general correspondence including the page limit for photocopying. Inter-unit correspondence must have the approval of both the sending and receiving Warden/Center Supervisor. In the case of Interstate correspondence where the out of state facility does not take a position, only the Arkansas Warden/Center Supervisor must approve. For the purposes of this provision VERIFIED "immediate family" is defined as the inmate's father, mother, sisters, brothers, spouse, children, grandchildren, and any other person whose relationship with the inmate has been verified as that of a parent/guardian such as mother-in-law, father-in-law, grandparents, aunts, or uncles, or whose relationship with the inmate has been verified as that of a child/ward such as a foster child, son-in-law, daughter-in-law, niece, or nephew. This list of immediate family members includes stepfamily members and half siblings.

#### **V. ATTACHMENT:**

- Attachment #1- Inmate Correspondence Form
- Attachment #2- Return Mail Notice
- Attachment # 3- Legal Mail Delivery Form

Exhibit K

IGTT430  
3GD

Attachment VI

INMATE NAME: Hoggard, Roy A. II

ADC #

GRIEVANCE# 21-01056

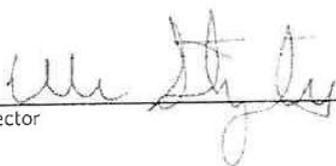
**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

On 5/10/2021, you stated the following complaint: Ms. Southern mailroom supervisor is violating the publication AD 17-17 by photo copying my pre-approved photograph orders of non-nudes public domain photos from publication companies along with the invoices and order forms shipped with my orders. She is claiming that photos " images are general correspondence" when Ad 17-17 page I sec III definitions sub sec a puliation states a book magazine, catalog advertiging brochure religious tract newspaper periodical newsletter or any type of image or text the term publication does not include a personal letter. Ms. Southern is in clear violation of AD policy and procedure. Therefore my pre-approved non-nude public domain purchased photographs need to be delivered to me in there original color 4x6 state or the amount of 9.50 (nine dollars and 50/100) he placed back on my inmate account for my preapproved non-nude public domain photograph order from the publisher CNA enterainment LLC out of tv being destroyed when they arrived in the mailroom Plus Ms. Southern and all mailroom personnel need to be informed not to photocopy photographs ordered from publisher companied immediately so no more paid orders are destroyed by the mailroom personnel.

The Warden responded to your grievance on 6/10/2021, by stating the following: Per Policy AD 20-04, Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals will be rejected. Ms. Southern, Mailroom Supervisor, stated that your photos do not follow the publication policy. This should address your concern.

Your appeal was received on 6/17/2021. After review of your appeal and supporting documentation, I concur with the Warden's response.

Appeal denied

  
\_\_\_\_\_  
Director

6-23-21  
\_\_\_\_\_  
Date

74 of 16

Ex.D

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

ROY A. HOGGARD II (ADC [REDACTED])

CLAIMANT

NOV 03 2022

v No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS

RECEIVED

RESPONDENT

CLAIMANT'S RESPONSE TO ADC'S  
RESPONSE TO MOTION FOR SUMMARY JUDGMENT

Comes Now, the Claimant, Mr. Roy A. Hoggard II, for his  
Response, states;

1. The Claimant reiterates all stated facts in his Motion For Summary Judgment, but wishes to address the following:
2. The Respondent's response, including exhibits Strengthens the Claimant's claim.
3. The Claimant objects to #6 of Respondent's response, the Claimant has provided proof the photos in question are fully within both AD20-04, and Policy and Procedure 16.05.0. They are Not contraband in any way, may be ordered, received and obtained. (Please See Respondent's Exhibit B).
4. The Claimant objects to #7 of Respondent's response, the Respondent's Exhibit C is moot, due to both parties have already established that the photos in question are Not "General Correspondence" which the Respondent even highlighted the sections that once again strengthens and proves the Claimant's claim is correct and factually based.
5. The Claimant objects to #8 of Respondent's response, the Claimant has provided proof that the Warden's response is incorrect, due to

1 of 3

the photos in question are Not "Sexually Explicit" as defined in both AD 20-04 and Policy and Procedure 16.05.0. (Please See Respondent's Exhibit B).

6. The Claimant wishes to show #11 of Respondent's response, where the Respondent openly Admits to Paragraph #10 of the Claimant's Motion for Summary Judgment, which clearly states the Respondent violated Policy and Procedure, Administrative Directive and that the Respondent is liable for said violations. (Please see Respondent's response #11, dated October 17, 2022).

7. The Claimant objects to #13 of Respondent's response, the Respondent's Exhibit B, clearly proves the Respondent's statement #13 is incorrect, for even the respondent's exhibit B, once again proves the photos in question are Not "Sexually Explicit" in any way. (Please see Respondent's Exhibit B of ADC Response to Motion for Summary Judgment, Page 2 of 5 of definition of "Sexually Explicit")

8. In conclusion the Claimant reiterates all his factual proof along with the Respondent's proof that strengthens the Claimant's claim, the Respondent's Admission of Violation of both AD along with Policy and Procedure.

WHEREFORE, the Claimant, Mr. Roy A. Hoggard II, prays that this honorable Claims Commission grants the Claimant's Motion, and/or schedule a hearing, return a decision in the Claimant's favor, award all requested damages along with

any and all other relief that is just and proper. The Claimant also prays that this honorable Claims Commission Denies the Respondent's Motion to Dismiss.

Certificate of Service

I certify that a copy of this pleading has been served this 31<sup>st</sup> day of October 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage, to;

Thomas Burns (02006)  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
  
  
Mr. Roy A. Hoggard II

Arkansas  
State Claims Commission

APR 12 2023

RECEIVED

To: Ms. Kathryn Irby, Director

Date: April 9th, 2023

From: Mr. Roy A. Hoggard II

ADC: [Redacted]  
P. [Redacted]

Re: Claim No. 210188 and Claim No. 220385

Dear Ms. Irby,

Please find enclosed two (2) full sets of my Motion for Reconsideration of Damages Awarded. Please return one copy file-marked as soon as possible.

As for Claim No. 220385, can you please give me an updated status on where it is at this time. Thank you for your time in this matter.

Sincerely,  
*Roy Hoggard II*  
Mr. Roy A. Hoggard II  
ADC [Redacted]

## BEFORE THE ARKANSAS STATE CLAIM COMMISSION

Arkansas  
State Claims Commission

ROY A. HOGGARD II (AD [REDACTED])

APR 12 2023 CLAIMANT

v. No. 210188

RECEIVED

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

MOTION TO RECONSIDER  
DAMAGES AWARDED

Comes Now, the Claimant, Mr. Roy A. Hoggard II, with his Motion to Reconsider the Damages Awarded in Claim No. 210188 on March 16, 2023, states;

1. At the hearing held on March 10, 2023, the Claimant's testimony was found to be fully credible and unrefuted, whereas the Respondent's witnesses were all found unreliable and confuted, therefore, the Claims Commission ruled in favor of the Claimant and the Respondent was found to be negligent.
2. However, the Claims Commission failed to Award the full amount of Damages the Claimant sought for all he suffered and forced to endure for days at the abusive hand of the Respondent's negligence.
3. The Claimant sought a mere \$9,500.00 in Damages, explained in both Claim No. 210188 and a full breakdown in the Claimant's response to the Respondent's Interrogatories #8, filed August 14, 2022, file-marked August 18, 2022.
4. However, only \$200.00 was awarded in damages, not even one sixteenth ( $\frac{1}{16}$ ) of the amount sought, which in no way justifies

the debilitating emotional and physical injuries contracted by the Claimant at the hands and negligence of the Respondent.

5. The Claimant had to suffer dehydration after his medical procedure in which the Claimant was administered several different strong laxatives for the procedure and being placed in a stripped down cell without an operational sink to be able to rehydrate himself by at least drinking water out of his cupped hands like a neanderthal or animal.
6. The Claimant was humiliated and debilitated by being denied even the basic necessities such as toilet paper to clean himself after using the toilet or able to wash his hands after using the toilet, when he could no longer wait to use the toilet.
7. When the Claimant attempted to plead for help, he was physically abused even further by the Respondent by having the steel food trap on the cell door kicked shut on his hands and wrists causing bruises, abrasions and severe pain, then denied medical care for the abuse suffered.
8. The Claimant had to suffer wearing the same dirty clothes without the opportunity of his clothes being washed and even an order being given by the Respondent not to be given a clean set of clothes to change into or shower for over a full calendar week.

9. The Claimant had to suffer severe pain, emotional and physical injuries, humiliation and debilitating actions at the negligence of the Respondent violating several of their own Policy and Procedures, along with several of their Administrative Directives by not honoring the Claimant's valid medical script, not issuing supplies and mandatory issuance items outlined in these Policy and Procedures and Administrative Directives.
10. Since the Respondent was found fully and wholly negligent in this claim the Claims Commission should Grant the entire \$9,500.00 amount in damages sought in the original complaint of the Claimant.
11. The Claims Commission should not insert its feelings and what it accepts as damages since the negligence was not experienced by any Commissioner.
12. Therefore, for all facts stated above and throughout this pleading this Claims Commission must Grant All relief the Claimant has sought and is rightly due including the \$9,500.00 in damages.

WHEREFORE, the Claimant prays that this Claims Commission Grant the Claimant's Motion for Reconsideration of Damages Awarded.

Executed at Marianna, Arkansas on April 9th, 2023.

Certificate of Service

I certify that a copy of this pleading has been served this 9th day of April 2023, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)  
Department of Corrections  
6814 Princeton Pike  
Pine Bluff, Ar. 71602

Respectfully Submitted,  
*Roy Hoggard II*  
Mr. Roy A. Hoggard II  
(ADP [REDACTED])

## ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

April 19, 2023

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: ***Roy A. Hoggard II v. Arkansas Division of Correction***  
Claim Nos. 210188 and 220385

---

Dear Mr. Hoggard,

This office received your correspondence on April 12, 2023. The motions are still pending for claim number 220385. When the Claims Commission enters an order on the motions, you will receive a copy via US Mail. The Claims Commission will rule on the motions as quickly as it can.

Enclosed please find a file-marked copy of your motion to reconsider damages awarded in claim number 210188. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

**From:** [Kathryn Irby](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [Leslie Browning \(DOC\)](#); [Mika Tucker](#)  
**Subject:** HEARING SCHEDULED: Hoggard v. ADC, Claim No. 220385  
**Date:** Tuesday, August 8, 2023 1:51:00 PM  
**Attachments:** [Hoggard v. ADC -- 220385 -- hearing.ltr.pdf](#)

---

Thomas, please see attached hearing letter and Zoom invitation.

Thanks,  
Kathryn

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

**ARKANSAS STATE CLAIMS COMMISSION**

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

August 8, 2023

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

*(via email)*

RE: ***Roy A. Hoggard II v. Arkansas Division of Correction***  
Claim No. 220385

Dear Mr. Hoggard and Mr. Burns,

The Claims Commission has scheduled a hearing on all pending motions on **Friday, September 22, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed. The Claims Commission requests that Mr. Burns transmit the Zoom invitation and hearing details to Mr. Hoggard's unit.

As this is a motion hearing, no prehearing materials are requested.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Sep 22, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88499326899?pwd=YUJTZi9ZRnFkbm9aeXdqcTVQUzRmQT09>

Meeting ID: 884 9932 6899

Passcode: waf37R

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One tap mobile

+13126266799,,88499326899#,,,,\*482369# US (Chicago)

+16469313860,,88499326899#,,,,\*482369# US

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Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US

Meeting ID: 884 9932 6899

Passcode: 482369

Find your local number: <https://us06web.zoom.us/u/kbuhIw>



**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Roy Hoggard II v. ADC, Claim No. 220385  
**Date:** Tuesday, October 24, 2023 10:15:00 AM  
**Attachments:** [Roy A. Hoggard II v. ADC2 .pdf](#)  
[Roy A. Hoggard II-order2.pdf](#)

---

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

**ARKANSAS STATE CLAIMS COMMISSION**

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

October 24, 2023

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Roy A. Hoggard II v. Arkansas Division of Correction***  
Claim No. 220385

---

Dear Mr. Hoggard and Mr. Burns:

Enclosed please find an Order entered on October 19, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,  
  
Mika Tucker

ES: msscott

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD II (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 220385

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is a motion for summary judgment filed by Roy Hoggard II (the “Claimant”) as to his claim against the Arkansas Division of Correction (the “Respondent”). Respondent’s motion to strike is also pending. At the motion hearing on September 22, 2023, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the filings, as well as the argument of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim September 27, 2021, seeking \$4,000.00 in damages related to destroyed photographs.
2. Respondent filed a motion to dismiss, which was denied by the Commission on July 25, 2022.
3. Claimant filed a motion for summary judgment. Respondent filed a response to the motion for summary judgment which contains an exhibit marked as “Submitted in camera DO NOT RELEASE TO INMATE[.]” Claimant filed a reply to Respondent’s response.
4. Respondent then filed a “Motion to Strike Pleadings, Protective Order[.]” Claimant did not respond.
5. At the hearing, the chair commissioner noted that one of the reasons for the hearing was that an exhibit to Respondent’s response to Claimant’s motion for summary judgment was marked for *in camera* review. The chair commissioner asked Respondent if the exhibit could be

shown on the screen during the hearing. Respondent agreed and stated that Claimant had attached the same documents to his claim. Claimant stated that he did have the copies the photographs attached to his claim. Claimant argued that he had the envelopes that the photographs came in. Claimant argued that he is allowed to have the photographs because they are “non-nude, prison friendly photographs.” Claimant stated that he had copies of the photographs that were destroyed. The chair commissioner noted that, since Claimant had the documents marked by Respondent as for *in camera* review in his possession, the issue of whether Claimant was entitled to view these was now moot.

6. Claimant then argued his motion for summary judgment. Claimant argued the photographs in question were designated by Respondent’s employee as general correspondence. Claimant argued that the “ADs” and policies he submitted with his claim indicate that the photographs are not general correspondence, but instead “under publications.” Claimant argued that the policies provide that publication photographs such as these publisher’s public domain photographs are not considered general correspondence, which are family and friend photographs. Claimant argued that these photographs are to be treated just the same as books and magazines and not to be photocopied and then destroyed. Claimant argued that, because inmates pay for these photographs, they are just like books and magazines to be given to the inmates “in their full state.” Claimant argued that Respondent’s employee violated policy when she copied the photographs, destroyed the photographs and sent Claimant the copies of the photographs. Upon a question from a commissioner, Claimant stated that the photographs were ordered through the mail by catalogue.

7. Respondent argued that the photographs were not publications, which are books. Respondent argued that, under policy, the publications have to come from a bookstore, publisher, educational or vocation institute or a company whose primary business is the sale of printed materials. Respondent argued that these photographs would not be allowed by the publications

committee because the photographs do not support rehabilitative goals. Respondent argued that the inmate correspondence policy applies to the photographs and that the photocopying policy prevents photographs which have been soaked in drugs from being given to inmates. Respondent stated summary judgment is wholly inappropriate because there are going to be questions of fact as to whether the photographs are a publication or inmate correspondence.

8. Claimant argued that the definition of publication in AD 20-04 includes any type of image or text. Claimant shared the order forms for the photographs. The chair commissioner noted that this was not a hearing on the claim, but only on the pending motions.

9. The chair commissioner noted that Respondent's motion to strike and for protective order was moot because the motion related to Claimant's motion for injunction, which was denied in the Commission's July 25, 2022, order.

10. Pursuant to Rule 56(c)(2), summary judgment is appropriate when there are no genuine issues as to any material fact, and the moving party is entitled to judgment as a matter of law. *See Hisaw v. State Farm Mut. Auto Ins. Co.*, 353 Ark. 668, 122 S.W.3d 1 (2003). Summary judgment motions are subject to a shifting burden, in that once the moving party has made a *prima facie* showing of entitlement to summary judgment, "the burden then shifts to the nonmoving party to show that material questions of fact remain." *Flentje v. First Nat'l Bank of Wynne*, 340 Ark. 563, 569, 11 S.W.3d 531, 536 (2000). Summary judgment is useful "when there is no real issue of fact to be decided." *Hughes W. World, Inc. v. Westmoore Mfg. Co.*, 269 Ark. 300, 301, 601 S.W.2d 826, 826 (1980). The Commission finds that there are genuine issues as of material fact in this matter. As such, Claimant's motion for summary judgment is DENIED.

11. The Commission DENIES Respondent's motion to strike and for protective order as moot for the reasons set forth above.

IT IS SO ORDERED.




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ARKANSAS STATE CLAIMS COMMISSION  
Courtney Baird




---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair




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ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: October 19, 2023

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

**From:** [Kris Higdon \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Miles S. Morgan](#); [Tawnie Rowell \(DOC\)](#)  
**Subject:** Roy Hoggard, II v. ADC 220385  
**Date:** Thursday, June 27, 2024 3:38:01 PM  
**Attachments:** [letter to claimant-100526.pdf](#)

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Please see attached letter mailed to Claimant.



SARAH HUCKABEE SANDERS  
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

1302 Pike Avenue, Suite C  
North Little Rock, AR 72114



OFFICE OF THE  
SECRETARY

June 26, 2024

Roy Hoggard, II # [REDACTED]  
[REDACTED]

Re: Future correspondence

Dear Mr. Hoggard:

Please address all future correspondence, discovery, and pleadings in cases before the Arkansas Claims Commission to:

Legal Department  
Arkansas Department of Corrections  
1302 Pike Ave., Suite C  
North Little Rock, AR 72114

Thank you for your cooperation on this matter.

Warm regards,

Kris Alan Higdon  
Attorney at Law

**From:** [Kris Higdon \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Tawnie Rowell \(DOC\)](#)  
**Subject:** Roy Hoggard, II v. ADC, 220385  
**Date:** Thursday, October 17, 2024 2:55:15 PM  
**Attachments:** [MTD-Rule 41\(b\).pdf](#)

---

Please see attached motion to dismiss.

Kris Alan Higdon (Mr.)  
Attorney at Law  
Office of the Secretary  
1302 Pike Ave., Suite C  
North Little Rock, AR 72114  
Phone: 501-682-9593  
[Kris.a.higdon@doc.arkansas.gov](mailto:Kris.a.higdon@doc.arkansas.gov)

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD, II [REDACTED]

CLAIMANT

v

NO. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

**MOTION TO DISMISS PURSUANT TO RULE 41(B)**

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. Claimant's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 41(b) as it has been over 12-months since he has made any attempt to prosecute his case.
2. Claimant filed his claim on September 27, 2021, seeking \$4,000 in damages for allegations of destroyed photographs.
3. Respondent filed an answer denying liability.
4. In any case where there has been no action shown on the records for the past 12-months, the commission shall cause notice to be mailed to the attorneys of record and to any party not represented by an attorney, that the case will be dismissed for want of prosecution unless on a stated day application is made, upon a showing of good cause, to continue the case on the commission's docket. A.R.C.P. Rule 41(b).
6. The rule is "a tool for trial courts to dispose of cases filed and forgotten." Prof'l Adjustment Bureau v. Strong, 275 Ark. 249, 251, 629 S.W.2d 284, 285 (1982).

7. A trial court has the inherent power, independent of statute or rule, to dismiss a case for failure to prosecute. Id.

8. Parties obligated to keep themselves informed of the status of their case. City of Little Rock v. McGeorge Constr. Co., 2010 Ark.App. 765, 377 S.W.3d 523 (2010).

9. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. Pressler v. Ark. Publ. Serv. Comm'n, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing Elder v. Mark Ford & Assocs., 103 Ark. App. 302, 288 S.W.3d 702 (2008)).

The Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. Michael Pickens v ADC, claim 190793 (ASCC 2019).

10. Here, Claimant has not even inquired into the status of his case since the last hearing in this matter in September 2023.

WHEREFORE, the Respondent prays that the motion be granted, the claim be dismissed and all other just and proper relief to which they may be entitled.

Respectfully submitted,

/s/ Kris Alan Higdon

Kris Alan Higdon #2004115  
Arkansas Department of Corrections  
1302 Pike Ave., Suite C  
North Little Rock, AR 72114  
Telephone: (501) 682-9593  
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 17<sup>th</sup> day of October 2024.

Roy Hoggard, II [REDACTED]  
[REDACTED]

/s/ Kris Alan Higdon  
Kris Alan Higdon

Arkansas  
State Claims Commission

DEC 16 2024

RECEIVED

To: Ms. Kathryn Irby, Director

Date: 12-12-2024

From: Mr. Hoggard, Roy A. II  


Re: Ca #220385

Dear Ms. Irby,  
Please find enclosed my Reply to Motion  
to Dismiss, thank you

Roy Hoggard II  
Roy Hoggard II  


IN THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

DEC 16 2024

RECEIVED

ROY HOGGARD II



CLAIMANT

v.

NO. 220385

Ark. Dept. OF CORR. STATE OF ARKANSAS RESPONDENT

REPLY TO MOTION TO DISMISS

Claimant has a valid claim in the Arkansas state claims commission, and has shown the facts set fourth to substantiate this claim.

Fact Respondent has liability in this claim filed 27, 2021. SEE claim No. 220385. SEE Bark v. Rheem Old Republic Insurance Company, CA08-1054 (Ark. App. 3/11/2009)

Claimant does NOW ask for Direct Verdict in Case No. 220385 SEE United States Fire Insurance Company v. Universal Broadcasting Corporation, 205 Ark. 115, 168 S.W. 2d. 191 (Ark. 1943).

WHEREFORE, the CLAIMANT prays that the request for DIRECT VERDICT be granted in favor of the claimant's request, and that all other just and proper relief to which may be entitled.

Respectfully submitted

Roy Hoggard II

12/12/24

CERTIFICATE OF SERVICE

I ROY HOGGARD II, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail on this 12<sup>th</sup> day of December 2024

Kris Alan Higdon

# 2004115  
ADC

Signed

ROY HOGGARD II

Roy Hoggard II  
PRO-SE

1302 Pike Ave, Suite C  
North Little Rock, Ar. 72114

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Tawnie Rowell \(DOC\)](#); [Miles S. Morgan](#); [Trent Rigdon \(DOC\)](#)  
**Cc:** [ASCC Pleadings](#); [Yolanda Charles \(DOC\)](#); [Mika Tucker](#)  
**Subject:** ORDER: Roy Hoggard II v. ADC, Claim No. 220385  
**Date:** Monday, March 10, 2025 9:26:20 AM  
**Attachments:** [Roy A. Hoggard II v. ADC4.pdf](#)  
[Roy Hoggard-order4.pdf](#)

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Dear Counselors:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

**ARKANSAS STATE CLAIMS COMMISSION**

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

March 10, 2025

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]

Ms. Tawnie Rowell  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

*(via email)*

Re: ***Roy A. Hoggard II v. Arkansas Division of Correction***  
Claim No. 220385

---

Dear Mr. Hoggard and Ms. Rowell:

Enclosed please find an Order entered on March 5, 2025, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 220385

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) to dismiss the claim of Roy Hoggard (the “Claimant”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

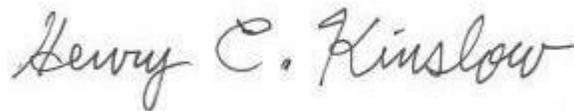
Respondent filed a motion to dismiss, arguing that Claimant’s claim should be dismissed pursuant to Ark. R. Civ. P. 41(b) because it has been over twelve months since Claimant has made any attempt to prosecute his claim. Claimant filed a response arguing, *inter alia*, that his claim is valid.

The Commission notes that Ark. R. Civ. P. 41(b) requires that, prior to a dismissal for failure to prosecute, the Commission must issue a notice to the parties that the claim will be dismissed for want of prosecution unless the claimant makes a showing of good cause to continue the case on the docket. The Commission has not previously issued a Rule 41(b) notice in this matter. As such, Respondent’s motion to dismiss is DENIED as moot. The Commission notes that it appears that this claim is ready for hearing and will add this claim to the hearing schedule as soon as practicable.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: March 5, 2025

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

**From:** [Mika Tucker](#)  
**To:** [Tawnie Rowell \(DOC\)](#); [Miles S. Morgan](#); [Trent Rigdon \(DOC\)](#)  
**Cc:** [Yolanda Charles \(DOC\)](#)  
**Subject:** HEARING: Roy Hoggard v. ADC, Claim No. 220385  
**Date:** Wednesday, April 2, 2025 1:37:00 PM  
**Attachments:** [Hoggard -- 220385-- hearing ltr \(claim\) 7-10-25.pdf](#)

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Counselors, please see the attached correspondence.

Thanks,

Mika

**Mika Tucker**  
**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-2818

## ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

April 2, 2025

Mr. Roy Hoggard (ADC [REDACTED])  
[REDACTED]

Ms. Tawnie Rowell  
Mr. Miles Morgan  
Mr. Trent Rigdon  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

*(via email)*

RE: *Roy Hoggard v. Arkansas Division of Correction*  
Claim No. 220385

Dear Mr. Hoggard, Ms. Rowell, Mr. Morgan and Mr. Rigdon,

The Claims Commission has **scheduled this claim for hearing on Thursday, July 10, 2025**, beginning at 8:45 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed. The Claims Commission requests that the ADC transmit the Zoom invitation and hearing details to Claimant's unit.

Each party's witness lists, exhibit lists, and exhibits are due by May 9, 2025. If the parties would like for the Claims Commission to review prehearing briefs, the briefs are due at the same time.

If Claimant would like to call other inmates or ADC employees as witnesses, Claimant will need to submit subpoena requests by May 9, 2025. The subpoena requests must include the witnesses' names and addresses. If the Commission issues subpoenas to ADC's current employees or inmates currently housed with ADC, the Commission asks ADC to make these individuals available for the Zoom hearing.

If Claimant would like to call a witness outside of ADC, Claimant will need to arrange for that witness's virtual attendance at the hearing. Claimant can direct the witness to contact the Claims Commission for the Zoom invitation. If a subpoena will be necessary to compel a witness's

testimony, Claimant will need to submit a subpoena request by May 9, 2025. The subpoena request must include the witness's name and address. Once the Claims Commission issues the subpoena, Claimant will need to have the subpoena served upon the witness pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

If Respondent will require subpoenas in order to compel the testimony of any of its witnesses, those subpoena requests are also due on May 9, 2025.

Absent good cause shown, any subpoena requests received after May 9, 2025, will be denied. If a party objects to issuance of any subpoena, the party will have until May 23, 2025, to file a motion to quash or detailed objections to the witness's proposed testimony.

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed by May 23, 2025.

Please note that a copy of any subpoena requests, witness lists, exhibit lists, and exhibits must be served upon the opposing party via U.S. Mail in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: mtucker

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Hearings

Time: Jul 10, 2025 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88084077034?pwd=wiA4UlJltojc8VvKwpopcqN4PrFtjm.1>

Meeting ID: 880 8407 7034

Passcode: D3xhnb

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One tap mobile

+13092053325,,88084077034#,,,,\*701855# US

+13126266799,,88084077034#,,,,\*701855# US (Chicago)

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Dial by your location

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 880 8407 7034

Passcode: 701855

Find your local number: <https://us06web.zoom.us/u/kbkSh2oe3n>

**From:** [Miles S. Morgan](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Yolanda Charles \(DOC\)](#)  
**Subject:** Roy Hoggard v. ADC 220385 List  
**Date:** Friday, May 9, 2025 8:43:49 AM  
**Attachments:** [Wit Ex List-Hoggard.pdf](#)  
[image001.png](#)

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Witness and exhibit list.

Thanks,



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [REDACTED])

CLAIMANT

v

NO. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT WITNESS AND EXHIBIT LIST

Comes Now the Respondent, Arkansas Department of Correction (ADC), for its Witness and Exhibit List, states:

Witness List

1. Claimant
2. Any Witnesses of the Claimant.

Exhibit List

3. Inmate Receipt
4. Claimant's Unit Level Grievance Form
5. Respondent's Motion to Dismiss
- 6.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing pleading was sent by placing a copy of same in the U.S. Mail, postage prepaid, addressed as set out below this 9<sup>th</sup> day of May 2025 to:

Roy Hoggard (ADC 100526)  
P.O. Box 970  
Marianna, AR 72360

/s/ MILES S. MORGAN \_\_\_\_\_  
MILES S. MORGAN

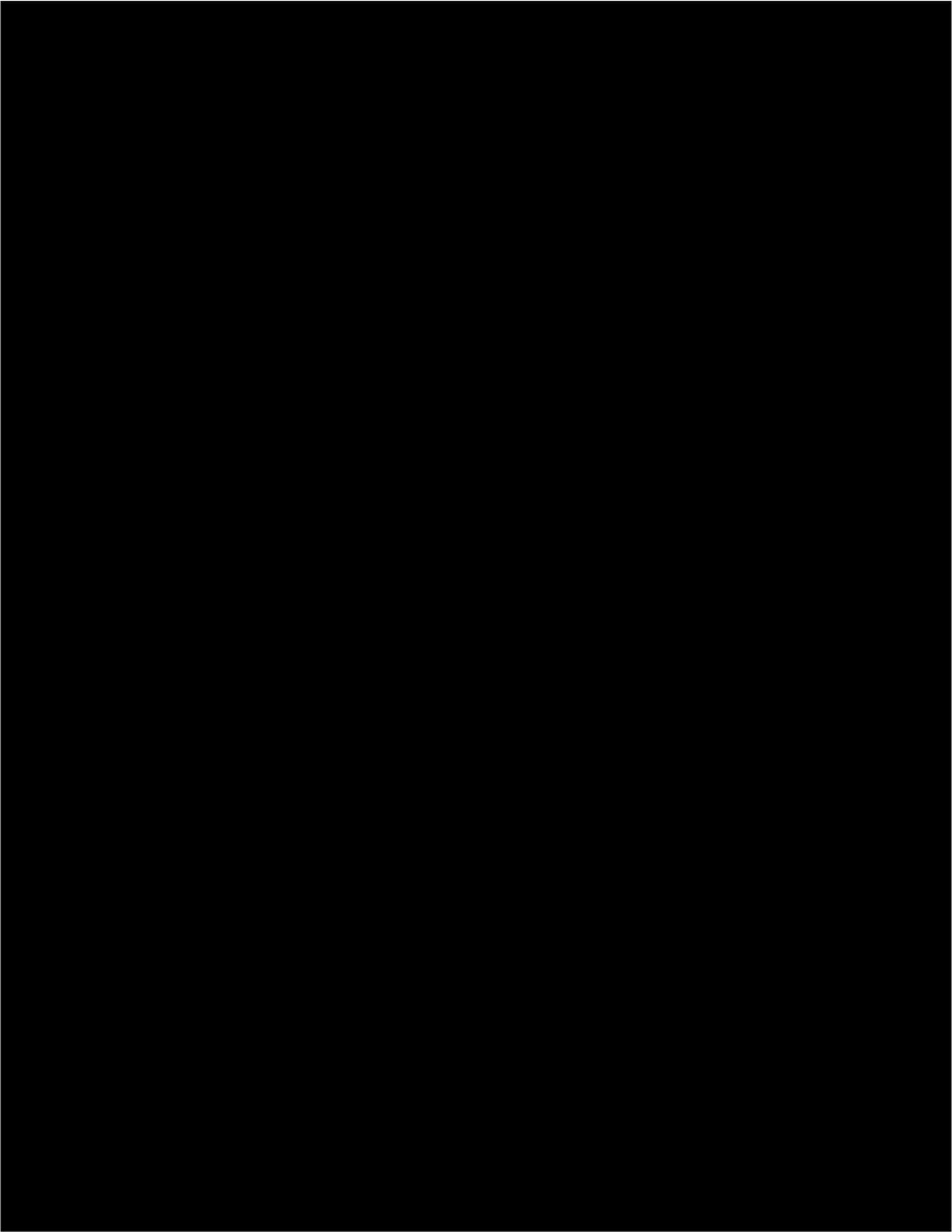


Exhibit 7

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center

Name Hoggard, Roy Adrin II

ADC# \_\_\_\_\_ Works # Max 212 Job Assignment Bks Porter

FOR OFFICE USE ONLY	
GRV. #	_____
Date Received:	_____
GRV. Code #:	_____

5/10/21 (Date) STEP ONE: Informal Resolution

\_\_\_\_\_ (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)  
If the issue was not resolved during Step One, state why: \_\_\_\_\_

\_\_\_\_\_, (Date) EMERGENCY GRIEVANCE, (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: \_\_\_\_\_

Is this Grievance concerning Medical or Mental Health Services? No If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): On 5/8/2021, the Security Personnel working the mailroom "Violated" AD17-17 Publication Policy & Procedure by photocopying two (2) of my Photograph Orders from the approved Publisher CNA Entertainment, LLC. On 4/28/2021, Warden G. Lay approved my inmate withdrawal form ordering the non-nude, Non-Personal Photographs from the Publisher for the amount of \$9.50 Per AD17-17. Therefore, I either want my approved purchased photographs delivered to me in there original color 4X6 states or have the amount of \$9.50 (Nine Dollars and 50/100) placed back on my inmate account for the mailroom personnel destroying my purchased photo order that arrived on 5/8/2021 by Violating AD17-17 and photocopied my Publisher Supplied Photographs.

Roy Hoggard II 5/10/2021  
 Inmate Signature Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on 5-10-2021 (date), and determined to be **Step One** and/or an Emergency Grievance \_\_\_\_\_ (Yes or No). This form was forwarded to medical or mental health? \_\_\_\_\_ (Yes or **No**). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_

Sgt. K. Jackson Sgt. Matthews 5-10-2021  
 PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: Picture They do not fall under the publication rule. Per AD Policy all correspondence is to be copied and destroyed. EES

Staff Signature & Date Returned \_\_\_\_\_ Inmate Signature & Date Received \_\_\_\_\_

This form was received on \_\_\_\_\_ (date), pursuant to **Step Two**. Is it an Emergency? \_\_\_\_\_ (Yes or No).

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRIBUTION: YELLOW & PINK** - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two. 12 of 16

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROT HOGGARD (ADC [REDACTED])

CLAIMANT

v

NO. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan, 2011 Ark. 94*. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." *Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014)*. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank, 339 F.3d 764 (8<sup>th</sup> Cir. 2003)*. A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal 556 U.S. 662 (2009)*. Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-

accusations” are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

4. When a trial court is presented with extraneous materials outside of the pleadings and does not exclude those materials, a motion to dismiss for failure to state facts upon which relief can be granted shall be treated as one for summary judgment. *Norris v Davis, 2014 Ark. App. 632 (2014)*

5. The inmate seeks the sum of \$2000.00 for injunctive relief, destruction of inappropriate photos, and fees. Although inmate seeks an award of damages (\$2000.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

6. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Even taking the inmate’s allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

7. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d*

349, 355 (citing *Elder v. Mark Ford & Assocs.*, 103 Ark. App. 302, 288 S.W.3d 702 (2008)). The Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793 (ASCC 2019)*.

8. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. *See Martin v Sargent*, 780 F.2d 1334, 1337 (8<sup>th</sup> Cir. 1985).

9. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss*, 2010 Ark. 150.

10. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* “Nor does a complaint suffice if it ‘tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly*, 550 U.S. at 556. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id.* at 561. Rather, the facts set forth in the

complaint must be sufficient to nudge the claims across the line from conceivable to plausible. *Id.* at 570. “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” *Iqbal*, 556 U.S. at 679 (quoting *Fed.R.Civ.P. 8(a)(2)*).

11. The Plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it “stops short of the line between possibility a plausibility of entitlement to relief” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

12. The inmate is currently housed at [REDACTED] of the ADC. He is serving a 35-year sentence on a conviction of rape and other crimes.

13. The inmate claims that the ADC has violated policy and wrongfully destroyed his photographs.

14. The inmate states in his complaint that the ADC destroyed originals and only gave him photocopies.

15. “The pursuant to AD 2021-01 all correspondence will be copied and the original destroyed immediately. *See attached Ex A*

16. The photos that the inmate complains about are considered publications pursuant to AD 2020-04 *See attached Ex B* the inmate claims AD 2017-17 but that was replaced by 2020-04.

17. Actually how the inmate got the photos he has attached to the complaint is unknown but are contraband as they sexually explicit material. It was reported to security and should have been confiscated by now.

18. If the inmate believed the photos were ok then his avenue was to appeal that denial to the publications committee within 10 days of the rejection. *Id.*

19. As to any materials that if provided to inmate, would pose a risk to the safety of employees, inmates, and the public. Conflict and violence in the prison system often arises when one inmate learns of alleged sexually explicit materials by another inmate. Releasing such materials to an inmate could pose a significant safety and security risk to those inmates, staff, or inmate.

20. The inmate grieved this matter and after two levels of review was found without merit. The policy was explained to him in the responses. One grievance is for violation of AD 2020-04 and the other violated AD 2021-01.

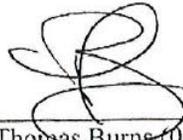
21. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

22. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

23. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,

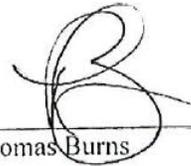


Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of the above pleading has been served this 31<sup>st</sup> day of May 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ( [REDACTED] )  
[REDACTED]



Thomas Burns



**ARKANSAS DEPARTMENT OF CORRECTIONS**  
**Division of Correction - Director's Office**

6814 Princeton Pike  
 Pine Bluff, Arkansas 71602  
 Phone: (870) 267-6200 | Fax: (870) 267-6244

**ADMINISTRATIVE DIRECTIVE**

**SUBJECT: Inmate Correspondence**

**NUMBER: 2021-01**

**SUPERSEDE: 18-37**

**APPLICABILITY: All Staff and Inmates**

**PAGE: 1 of 5**

**REFERENCE: AR 860 Inmate Correspondence; AR 401 Searches for and Control of Contraband; AR 841 Inmate Property Control; AR 825 Inmate Name Change for Religious Purposes; AD Inmate Name Changes; AD Inmate Property Control ACA Standards; and A.C.A. 12-12-312**

**APPROVED: Original signed by Director Dexter Pavne EFFECTIVE DATE: 3/29/2021**

**I. POLICY:**

It shall be the policy of the Arkansas Division of Correction (ADC) to permit inmates to correspond with family, friends, officials, and other significant community contacts with a minimum of interference consistent with the legitimate security needs of the facility; however, the increasing use of illegal drugs has led to the need to limit incoming paper correspondence.

**II. PURPOSE:**

It is the ADC's policy to open all mail in accordance with the procedures outlined in Administrative Rule (AR) 860, Inmate Correspondence. The rule covers Privileged, General, and Interstate/Inter-Unit correspondence. Since opened mail will not be returned to the sender by the Postal Service without additional postage, the inmate shall be responsible for the cost.

**III. DEFINITIONS:**

- A. Inspections. Mail or hobby-craft packages will be opened to determine if any contraband items are contained therein and to remove any such contraband items.
- B. General Correspondence. Correspondence mailed to the inmate, other than privileged correspondence, will be limited to three (3) pages which will be copied (black and white photocopy) along with the envelope so that two (2) sheets of paper, front and back, shall be provided for each item of general correspondence an inmate receives. Originals will be shredded after the copy has been made.
- C. Legal/Privileged Correspondence. Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities.
  - 1) Officers of Federal, State, and Local Courts;
  - 2) Any Federal or State Official or Agency;
  - 3) Any Administrator of the ADC;

WWW.DOC.ARKANSAS.GOV

Ex A

- 4) The Parole Board or its staff;
  - 5) The Board of Corrections or its staff;
  - 6) The Inmate's Attorney(s); and
  - 7) Any member of the News Media.
- D. Contraband. Any item that is not permitted under the usual rules of the unit/center including general correspondence that exceeds three pages.
- E. Rejection. Any item of correspondence containing any contraband will be rejected. Any item of general correspondence exceeding the limitations set out in Section IV. A. below will be rejected. In addition, any material which the Warden/Center Supervisor or designee reasonably determines will present a clear and present danger to institutional security will be rejected.

#### IV. PROCEDURES

##### A. Inmate Correspondence Constituting or Containing Contraband

1. All mail is opened in accordance with AR 860. Mail containing contraband or the contents of which exceeds an envelope with writing on one side and three sheets of 8 ½ x 11-inch (or smaller) size paper with writing on one side will be returned to the sender and the inmate to whom the correspondence was addressed and/or was to receive the contraband will be required to pay for the return postage or agree to the destruction of the mail and contraband. Note that individual photographs will be considered one sheet of paper, and nothing larger than 8 ½ x 11 inch will be copied. No color photocopies will be made.
2. Photos received from the crime lab that contain the following information to an inmate in the custody of ADC shall be considered contraband per A.C.A. § 12-12-312:
  - a. Depicts a crime scene;
  - b. Depicts the victim of a crime; or
  - c. Was taken in conjunction with an autopsy.
3. The originals of any incoming general correspondence copied and delivered to the inmate will be shredded immediately.
4. Inmates are encouraged to communicate with those persons with whom they correspond to make them aware of the items which they can receive legally and request that contraband items not be sent.
5. Inmates will be given thirty (30) days from the date received to pay the postage for returning the mail rejected under this policy. Illegal contraband will be seized. If the inmate is not willing to pay for the return postage within the time limit, the mail and contraband will be destroyed.
6. Mailroom personnel will submit the items to be destroyed to the Deputy Warden/Center Supervisor for review and/or approval to destroy.
7. At a time designated by the Warden/Center Supervisor, after the time limit has expired, the mailroom personnel and the Deputy Warden/Center Supervisor will oversee the destruction of the mail and contraband.
8. Any mail received without a return address containing the first and last name of the individual or the business name, street address or post office box number, city, state, and zip code will be considered contraband and destroyed. However, it may be opened to determine if disciplinary charges are warranted against the intended recipient. A notification will be sent to the inmate advising when his/her mail has been rejected and why it was rejected. The

inmate will be given thirty (30) days from the date received to pay the postage for returning mail rejected under this policy if the rejected item included a return address.

9. Original newsprint paper is difficult to screen for illicit substances. Correspondence which includes original newsprint paper is considered contraband and will be destroyed pursuant to this administrative directive. However, photocopies of newspaper articles may be sent with general correspondence so long as it does not violate the correspondence or publication policy regarding content. The copy of newsprint must be on 8 ½ by 11-inch paper or smaller and each sheet will count as one of the three pages allowed as general correspondence.

#### **B. Inmate Electronic Correspondence**

1. All inmate electronic correspondence will be subject to the rules outlined in AR 860, Inmate Correspondence.
2. The cost of the electronic correspondence is at the expense of the sender. The cost of any rejected electronic correspondence will be at the sender's expense.
3. Electronic correspondence will be considered General Correspondence only; however, the limit to three sheets and one side of an envelope will not apply.
4. All incoming and outgoing electronic correspondence will be inspected and approved before distribution.
5. Inmates who have purchased an approved MP4 Player may have their electronic correspondence downloaded through the available Kiosk in the Unit. The correspondence is transferred electronically. No printed version will be provided to the inmate.
6. Electronic photographs will be available to inmates by two (2) separate ways. Inmates who have purchased an approved MP4 Player may have their photos downloaded through the available Kiosk in the Unit. No printed version will be provided to the inmates. The photos obtained by the inmate in this way are not subject to numerical restrictions, as with printed photos as identified in AR 841, Inmate Property Control. Electronic photographs will be printed and delivered to the inmate if he/she does not possess an MP4 Player. The printed photographs must comply in content and number as stated in AR 841, Inmate Property Control. If more than five (5) pages of photographs are received, the entire correspondence will be rejected. The inmate receiving electronic photographs is responsible for ensuring that the number of printed photographs in his/her possession does not exceed established limits.
7. Rejected electronic correspondence will be rejected in its entirety.

#### **C. Legal/Privileged Correspondence**

1. Incoming Legal/Privileged Mail will be logged by mailroom staff upon receipt on the Legal Mail Delivery Form (Attachment 3). Mailroom personnel must sign and list the name of the addressee, sender, and the tracking number listed on the envelope on the Legal Mail Delivery Form. The staff member who delivers the Legal/Privileged mail to an inmate must list their name and rank on the Legal Mail Delivery Form. Upon delivery of any legal mail, staff will provide an acknowledgment of legal mail to the inmate, if the inmate refuses to sign acknowledgment, another staff member will note "inmate refused to sign" on the Legal Mail Delivery Form and sign as a witness. The Legal/Privileged mail will then be opened in the presence of the inmate. Mail opened and inspected under these circumstances will not be read or censored but may be rejected in its entirety if it is found to contain contraband.
2. There will be no records kept of the contents of the incoming or outgoing privileged correspondence. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence. All incoming privileged mail should be in official letterhead envelopes and

should be clearly identified as "Privileged Correspondence". Media mail should be clearly marked "Media Mail".

3. Each Unit should schedule a "Privileged Mail Call" for outgoing mail once a day, Monday through Friday excluding holidays.
4. During "Privileged Mail Call," all correspondence will be checked for contraband by two staff members, (i.e., Sergeant and Shift Captain or Lieutenant), and sealed in the presence of the inmate. Both the Sergeant and the Captain or Lieutenant will sign the back of the envelope.
5. Once the Sergeant and Shift Captain or Lieutenant have signed the back of the envelope(s), outbound privileged mail will be deposited in the authorized Privileged Mailbox to be picked up by mailroom personnel.
6. Any mail marked "Legal or Privileged Mail" that has not been processed in accordance with paragraphs 3 and 4 above will be given to the Shift Captain or Lieutenant by the Mailroom staff. The Captain or Lieutenant will return the mail to the inmate(s) to be opened in his/her presence to ensure contraband is not present.
7. Units having x-ray machines will scan all incoming and outgoing privileged correspondence for contraband. For example, loose powder can be detected if the letter is stood on end and "bumped" causing the powder to collect in the corner of the envelope's seal/flap. In addition, tablets and capsules can be detected during the scanning process. After x-raying, mailroom staff will initial the envelope.

Additionally, mailroom staff must also lay envelopes on a flat surface and run their hands over them to feel for possible contraband.

8. Inmates in Restrictive Housing or Punitive will have his/her outbound privileged correspondence checked at their cells in accordance with paragraphs 3 and 4.

#### D. General Correspondence

1. Correspondence, other than privileged or Interstate/inter-unit correspondence, shall be considered general correspondence. Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding. There will be no limitation placed on the number of letters mailed or received; however, each item of inbound correspondence is limited to three sheets of 8 ½ x 11-inch paper or smaller along with one side of an envelope which will be photocopied and delivered to the inmate. All general correspondence, both incoming and outgoing, may be opened, inspected, read and records may be kept of all incoming and outgoing general correspondence.
2. The full name under which the inmate was committed, and the ADC number of the inmate shall be shown on the upper left-hand corner of the envelope on any outgoing mail and bottom right of incoming mail. Any violation of the rules and regulations which also constitutes a violation of Federal Postal Laws shall be reported to the Federal Postal authorities or appropriate personnel responsible for the processing and inspection of such mail.
3. Inmates in punitive housing will be allowed to send and receive general correspondence and privileged correspondence on the same basis as inmates in the general population.
4. Limitations on the pages of general correspondence to be photocopied shall not apply to the following facilities: Benton Work Release Center, Northwest Arkansas Work Release Center, Mississippi County Work Release Center, Texarkana Work Release Center, Pine Bluff Reentry Center, and the Tucker Reentry Center.

5. The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists. The page limit and copying of general correspondence is to restrict the flow of contraband arriving by paper sent into the ADC facilities.
6. The ADC will not accept postage due mail or packages.
7. All letters will be written in the English language unless there is approval by the Warden/Center Supervisor to do otherwise. All entries will be made in the inmates' electronic file.
8. Violators of correspondence regulations will be subject to disciplinary action.

#### **E. Interstate/Inter-Unit Correspondence between Incarcerated Individuals**

Interstate and Inter-unit correspondence is mail between all individuals who are incarcerated either within the ADC or another facility. Interstate, and Inter-Unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family. It will be subject to the usual rules under general correspondence including the page limit for photocopying. Inter-unit correspondence must have the approval of both the sending and receiving Warden/Center Supervisor. In the case of Interstate correspondence where the out of state facility does not take a position, only the Arkansas Warden/Center Supervisor must approve. For the purposes of this provision VERIFIED "immediate family" is defined as the inmate's father, mother, sisters, brothers, spouse, children, grandchildren, and any other person whose relationship with the inmate has been verified as that of a parent/guardian such as mother-in-law, father-in-law, grandparents, aunts, or uncles, or whose relationship with the inmate has been verified as that of a child/ward such as a foster child, son-in-law, daughter-in-law, niece, or nephew. This list of immediate family members includes stepfamily members and half siblings.

#### **V. ATTACHMENT:**

- Attachment #1- Inmate Correspondence Form
- Attachment #2- Return Mail Notice
- Attachment # 3- Legal Mail Delivery Form



DIVISION OF  
CORRECTION

6814 Princeton Pike  
Pine Bluff, AR 71602  
Phone: 870-267-6200  
Fax: 870-267-6244  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 20-04

**SUPERSEDES:** 17-17

**APPLICABILITY:** Division Staff and Inmates

**REFERENCE:** AR-864-Publications  
AD-Inmate Correspondence  
AD-Inmate Property Control  
AD-Inmate Grievance Procedure

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Dexter Payne

**EFFECTIVE DATE:** 4/10/2020

### I. POLICY:

Inmates may receive publications only from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with rehabilitative goals.

### II. PURPOSE:

This Administrative Directive establishes the process by which the Division of Correction determines which publications may be received by the inmate population.

### III. DEFINITIONS:

- A. Publication: A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text. The term publication does not include a personal letter.
- B. Commercial Outlet: A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

- C. Charitable Outlet: A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.
- D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed.
- E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.
- F. Security Terrorist Threat Group (STTG): Any group of inmates that the Division of Correction reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose or activities.

#### IV. PROCEDURES:

- A. The Warden/Center Supervisor shall designate staff to review incoming publications.
- B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting any one or more of the following categories may be rejected:
  - 1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
  - 2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law to include but not limited to;
    - a. Material advocating, or describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of Division facilities;
    - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
    - c. Material advocating or providing instructions on identity theft;
    - d. Material that incites, encourages, advocates, or promotes act of violence such as but not limited to sexual assaults and physical assaults;
  - 3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives or any other weaponry, including realistic

- pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;
4. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
  5. STTG materials including, but not limited to, codes, signs, symbols, photographs, drawings, training materials, and catalogs;
  6. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons or of other fighting techniques;
  7. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
  8. Instructions or patterns for tattoos, or other skin modification techniques or equipment;
  9. Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
  10. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
  11. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
  12. Posters measuring more than two hundred (200) square inches;
  13. Publications containing a product insert which, by itself, would be deemed contraband; and
  14. Publications which meet two (2) of the following conditions:
    - a. Books that measure more than 9" x 11".
    - b. Hardback books thicker than two (2) inches.
    - c. Softback books thicker than four (4) inches.
    - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational and religious publications.

15. Photobooks are not considered an allowable publication and will not be permitted.

**Note:** Inmates are only allowed five (5) individual photos. This does not include digital photos (refer to Inmate Correspondence AD).

C. Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. With respect to any publication, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.

D. Items within the package cannot be separated; therefore, the package is rejected in its entirety.

**Note:** For any publication rejected solely because it contains a product insert, if the product insert(s) can be removed, the publication is acceptable.

E. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

F. The decision to reject a publication may be appealed to the Central Office Publication Review Committee. The Committee members are to be assigned by the Director or his/her designee. The appeal must be initiated within ten (10) days of the receipt of written notification of the Warden/Center Supervisor's decision to reject the publication. Rejection of a Publication is not grievable.

G. Any rejected publication will be held safe by the Warden/Center Supervisor or his/her designee until the appeal process has been completed, or until the ten (10) day period for filing an appeal has expired.

H. Options for disposing of an unacceptable publication are:

1. Destruction;
2. Return of the publication to the sender at the expense of the inmate unless return postage is guaranteed;
3. Mailing the publication to a third party at the expense of the inmate;

4. Giving to a third-party during visitation.

UNIT NAME

To: Use inmate name here

From: Use Deputy/Assistant Warden/Warden name here

Publication: Name of publication, date or identifying information here

Date:

The Unit Publication Review Committee has denied your publication for the reason(s) listed below:

[List applicable Policy Numbers]

Other (explain)

Committee Member/Title Date Committee Member/Title Date

Committee Member/Title Date Committee Member/Title Date

This decision is consistent with AR 864/Publications (AD). You will have TEN (10) days upon receipt of this notification to appeal. Send your appeal to the Unit Mailroom and the mailroom will present it to the Central Office Publication Review Committee.

If you choose not to appeal the decision you will have FIFTEEN (15) days to exercise options 2, 3, 4, 5, or 6, (if applicable) before the publication will be destroyed.

- 1. Appeal
2. Destruction
3. Return the publication to sender at your own expense
4. Mail the publication to a third party at your own expense Address:
5. Give to 3rd party at Visitation
6. Authorize removal of insert(s) and release any and all claims

\*OPTION:

\*Failure to exercise an option will be considered authorization for destruction.

Inmate Signature Date

Refused to sign

Witness Date

Publication File
Inmate file
Warden
Inmate

Arkansas  
State Claims Commission

MAY 09 2025

RECEIVED

To; Ms. Kathryn Irby, Director

Date; May 5, 2025

From; Mr. Roy A. Hoggard II

ADC #

[Redacted]

Re; Claim No. 220385

Dear Ms. Irby,

Please find enclosed my Motion of Witness and Exhibit Lists, plus an extra copy to be sent back filemarked.

Thank you for your time in this matter.

Respectfully Submitted  
Roy Hoggard II

[Redacted]

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

MAY 09 2025

CLAIMANT:

ROY A. HOGGARD II (A. [REDACTED])

RECEIVED

✓

No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDER

CLAIMANT WITNESS and EXHIBIT LIST

Comes Now the Claimant, Mr. Roy A. Hoggard II, for his Motion, states;

Witness List

1. Ms. L. Southern, [REDACTED] ( [REDACTED] )  
Mailroom Supervisor.
2. Sgt. April Brandon.
3. Any Witnesses of the Respondent.

Exhibit List

4. Arkansas State Claim No 220385 with all Exhibits submitted and enclosed.
5. Major Disciplinary dated; 06/02/2022 @ 10:15 am by Sgt. A. Brandon and ISSR 101 result sheet.

6. 4X6 color photographs and photocopies of photographs.

### Certificate of Service

I certify that a copy of the above pleading has been served this 5<sup>th</sup> day of May 2025, on the below Respondent by placing a copy of the same in the U.S. Mail, regular postage to;

Ms. Tawnie Rowell

Mr. Miles Morgan

Mr. Trent Rigdon

Arkansas Division of Corrections

1302 Pike Avenue, Suite C

North Little Rock, Ar. 72114

Respectfully Submitted

*Roy Hoggard II*

Mr. Roy A. Hoggard II

(ADC [REDACTED])

**From:** [Mika Tucker](#)  
**To:** [Trent Rigdon \(DOC\)](#); [Miles S. Morgan](#); [Tawnie Rowell \(DOC\)](#); [Taylor Reavis \(DOC\)](#)  
**Subject:** RESCHEDULED HEARING: Roy Hoggard v. ADC, Claim No. 220385  
**Date:** Monday, June 23, 2025 5:38:00 PM  
**Attachments:** [Hoggard -- 220385 rescheduled claim hearing 8-6.pdf](#)

---

Counselors, please see the attached correspondence.

Thanks,

Mika

**Mika Tucker**  
**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-2818

**ARKANSAS STATE CLAIMS COMMISSION**

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

June 23, 2025

Mr. Roy Hoggard (ADC [REDACTED])  
[REDACTED]

Mr. Tawnie Rowell  
Mr. Miles Morgan  
Mr. Trent Rigdon  
Ms. Taylor Reavis  
Arkansas Division of Correction 1302  
Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

*(via email)*

RE: ***Roy Hoggard v. Arkansas Division of Correction***  
**Claim No. 220385**

---

Dear Mr. Hoggard, Ms. Rowell, Mr. Morgan, Ms. Reavis and Mr. Rigdon,

Due to a quorum issue, the Commission has rescheduled the claim hearing in this matter to **Wednesday, August 6, 2025**, beginning at 8:45 a.m. The Zoom invitation is enclosed. The pre-hearing deadlines in the Commission's April 2, 2025, correspondence have not changed. The Commission requests that ADC's counsel transmit the Zoom invitation and new hearing details to Claimant's unit.

Sincerely,

Mika Tucker

ES: mtucker

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Hearings

Time: Aug 6, 2025 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/81048557384?pwd=dCg0bWo4z2G0GoUrZprZ7L7FjKCapq.1>

Meeting ID: 810 4855 7384

Passcode: 2q3xNU

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One tap mobile

+16469313860,,81048557384#,,,,\*045750# US

+19294362866,,81048557384#,,,,\*045750# US (New York)

---

Dial by your location

- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US

Meeting ID: 810 4855 7384

Passcode: 045750

Find your local number: <https://us06web.zoom.us/u/kp34Z0D1V>

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Tawnie Hughes \(DOC\)](#); [Miles Morgan \(DOC\)](#); [Trent Rigdon \(DOC\)](#); [Taylor Reavis \(DOC\)](#)  
**Cc:** [ASCC Pleadings](#); [Mika Tucker](#); [Yolanda Charles \(DOC\)](#)  
**Subject:** ORDER: Roy A. Hoggard II v. ADC, Claim No. 220385  
**Date:** Tuesday, September 30, 2025 10:42:00 AM  
**Attachments:** [Roy Hoggard v. ADC220385.pdf](#)  
[Roy Hoggard-order.pdf](#)

---

Dear Counselors:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

**ARKANSAS STATE CLAIMS COMMISSION**

(501) 682-1619  
FAX (501) 682-2823



KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, ARKANSAS  
72201-3823

September 30, 2025

Mr. Roy A. Hoggard II (ADC [REDACTED])  
[REDACTED]

Ms. Tawnie Hughes  
Mr. Miles Morgan  
Mr. Trent Rigdon  
Ms. Taylor Reavis  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

Re: ***Roy A. Hoggard II v. Arkansas Division of Correction***  
Claim No. 220385

---

Dear Mr. Hoggard, Ms. Hughes, Mr. Morgan, Mr. Rigdon, and Ms. Reavis:

Enclosed please find an Order entered on September 19, 2025, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,  
  
Mika Tucker

ES: msscott

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD II (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 220385

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

**ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Roy Hoggard II (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). At the hearing on August 6, 2025, Claimant proceeded *pro se*, and Taylor Reavis appeared on behalf of Respondent. Based upon a review of the claim file, testimony and evidence presented, as well as the arguments of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on September 27, 2021, seeking \$4,000.00 in damages related to his allegation that his unit’s mailroom supervisor violated policy when she destroyed his original photographs, which had been approved by the unit’s warden prior to Claimant’s purchase. The claim documents submitted by Claimant included inmate checking account records, the first page of Respondent’s Administrative Directive (AD) 17-17, the first page of Respondent’s Policy and Procedure 16.05.0, and black and white copies of photographs.

2. Respondent denied liability.<sup>1</sup>

3. At the hearing, Claimant testified after being sworn in that:

- The unit mailroom supervisor destroyed Claimant’s fifteen original publication photographs.
- Claimant has copies of some of the destroyed publication photographs.

<sup>1</sup> The Commission previously entered orders in this claim on May 9, 2022, July 25, 2022, October 19, 2023, and March 5, 2025.

- Respondent's AD 17-17 and Respondent's Policy and Procedure 16.05.0 allows inmates to purchase and possess publication photographs in the same way that Respondent allows inmates to possess magazines or books. Inmates are allowed to possess these publication photographs in the same format that they are mailed to the inmate.
- The photographs at issue are not considered general correspondence or personal photographs. Respondent's policy would require the photocopying and destruction of general correspondence and personal photographs.
- Respondent does not limit the number of the publication photographs an inmate can possess.
- The publication photographs at issue do not contain nudity as defined by Respondent's Policy and Procedure 16.05.0; therefore, Claimant was allowed to possess them.
- Respondent's mailroom supervisor photocopied the publication photographs at issue as if they were personal photographs or general correspondence. Respondent's mailroom supervisor provided Claimant with only photocopies of the publication photographs, not the originals.
- When Claimant filed a grievance, the mailroom supervisor argued that she destroyed the originals of the photographs because they were personal photographs or general correspondence.
- The warden preapproved Claimant's inmate check to purchase the publications photographs at issue.

4. Upon cross-examination by Respondent, Claimant testified that:

- Claimant did not attach the photocopies of all fifteen publication photos to his claim because of the page limitations set forth in Ark. Code Ann. § 25-44-208(f).
- Claimant is in possession of black and white copies of the photographs at issue.
- Respondent's Policy and Procedure 16.05.0 defines "nudity" as "a depiction in which genitalia, buttocks or female breasts are exposed."
- Respondent's Policy and Procedure 16.05.0 defines "sexually explicit" as "a depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation or material which promotes itself

based upon such depictions or descriptions on routine or regular basis or in individual one-time issues.”

5. Upon a question from a commissioner, Claimant testified that he paid between one dollar and two dollars for each photograph.

6. Claimant did not call any other witnesses.<sup>2</sup>

7. Respondent declined to call any witnesses.

8. The Commission finds that Claimant’s claim against Respondent is a negligence claim. To establish a claim for negligence, the evidence must show (1) the existence of a duty on the part of Respondent to conform to a specific standard of conduct; (2) breach of that duty by Respondent; (3) injury to Claimant actually and proximately caused by Respondent’s breach; and (4) resulting damages to Claimant or his property. *Peregrine Trading, LLC v. Rowe*, 2018 Ark. App. 176, 17, 546 S.W.3d 518, 529 (2018).

9. The Commission finds Claimant’s testimony was credible and unrefuted. The Commission also finds Respondent presented no substantive defense. Respondent failed to present any evidence disputing Claimant’s testimony that Respondent’s policies provided that the original publication photographs should have been provided to him and not photocopied and destroyed. The Commission also specifically notes that Respondent did not controvert Claimant’s testimony that the warden approved the purchase of the photographs. The Commission further finds that the inmate checking account records attached to Claimant’s claim support his testimony that each of the photographs in question were valued at one to two dollars.

10. As such, the Commission finds that Respondent’s mailroom employee was negligent in destroying Claimant’s publication photographs and violated Respondent’s publication

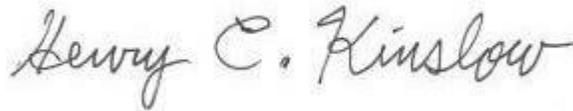
<sup>2</sup> Although Claimant submitted a witness list pursuant to the Commission’s hearing letter, he did not request subpoenas for his listed witnesses.

photograph policies. The Commission AWARDS Claimant \$30.00, which represents the amount Claimant paid for the photographs at issue. The Commission directs the Commission clerk to issue a voucher in payment thereof.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: September 19, 2025

**Notices which may apply to this claim**

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).
- (2) If a Claimant is awarded \$15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under Ark. Code Ann. § 25-44-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of more than \$15,000.00 are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 25-44-215(b).

To; Ms. Kathryn Irby, Director  
From; Mr. Roy A. Hoggard II

Arkansas  
State Claims Commission

NOV 07 2025

RECEIVED

Date; November 3, 2025

Re Claim No. 220385 Notice of Appeal

Dear Ms. Irby,

Please find enclosed two full copies of my Notice of Appeal to my claim ruling on claim no. 220385 so that one copy can be file marked and returned to me as soon as possible.

Thank you for your time in this matter.

Sincerely  
Roy A. Hoggard II

Mr. Roy A. Hoggard II

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD II [REDACTED]

Arkansas  
State Claims Commission CLAIMANT

NOV 07 2025

v NO, 220385

ARKANSAS DEPARTMENT OF CORRECTIONS

RECEIVED RESPONDER

NOTICE OF APPEAL

Comes Now the Claimant, Mr. Roy A. Hoggard II, (100526), with his Notice of Appeal, states;

1. The Amount in damages sought in the claim was not just for the destroyed photographs as stated in original claim, i.e. court costs, legal fees, legal copies, legal postage, ect. The thirty dollars (\$30.00) awarded by the Claims Commission only covered the destroyed photographs and left the Claimant to absorb all the remainder of the legal costs.
2. When the Respondent, (Arkansas Department of Corrections) has a claim ruled in their favor they are awarded all relief and has their legal costs reimbursed by charging the inmate for having the claim ruled in the Departments favor, but when the claim is ruled the inmates favor they receive the bare minimum amount possible which is not just in any way.
3. With the Claims Commission finding the Respondent presented no substantive defense against the Claimant's credible and unrefuted testimony of the Respondent's mailroom employee being fully negligent in destroying the Claimant's publication photographs and violated the Respondent's Policy and Procedures, and Administrative Directives, therefore ruling in the Claimant's favor then the Claims Commission

should at least award the Claimant a quarter of the original amount sought or enough to cover his legal fees Not just the property destroyed by the Respondent, but also the costs the Respondent charges the Claimant to file the claim so he can prove the Respondent's negligent and violation of AD's and Policy on Procedures.

4. By ruling in the Claimant (an inmate) favor, but then awarding them the prese "short end of the stick", it is the same as mere giving the Respondent (ADC) a "slap on the hand" and they just laugh at the ruling, therefore how is anything won or awarded.

**WHEREFORE**, the Claimant prays that his motion be granted and Claimant be awarded reimbursement for legal fees and all other just and proper relief to which he may be entitled.

### Certificate of Service

I, Roy A. Hoggard II, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 3rd day of November 2025

Ms. Tawnie Hughes

Mr. Miles Morgan

Mr. Trent Rigdon

Ms. Taylor Reavis

Arkansas Division of Correction

1302 Pike Avenue, Suite C

North Little Rock, Arkansas 72114

7-67

Respectfully Submitted

*Roy Hoggard II*

Mr. Roy A. Hoggard

**ARKANSAS STATE CLAIMS COMMISSION**

(501) 682-1619  
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KATHRYN IRBY  
DIRECTOR

101 EAST CAPITOL AVENUE  
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LITTLE ROCK, ARKANSAS  
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December 17, 2025

Mr. Roy Hoggard II (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: ***Roy Hoggard II v. Arkansas Division of Correction***  
Claim No. 220385

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Dear Mr. Hoggard,

As requested, please find enclosed file-marked copy of your November 7, 2025, filing. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott